late into programs and then help mobilize community support to make the programs go. The developing of such common goals is the beginning of community development. They must have access to leadership positions and offices of legitimate authority in which to pursue the goals. The skills of political communication and constructive governance come best through experience. When successful they are self-reinforcing. But they become meaningful involvement only when they can be directed toward personal and visible choice of goals.

Experience in local communities has taught us that it does not take long for participatory skills to develop when people have the opportunity to try. Incentives for local participation can come from the local, state, and federal levels. Participation can be channeled through public agencies or private. But the essential involvement of the poor and minorities must come where they can participate most easily and most effectively—at the local level and in affairs of direct relevance to the environment in which they live.

Third, we must recognize that new school interests not served by the policy-making process are already participating politically to change the schools (mostly outside the conventional policy processes, of necessity). They will continue to do so as long as they feel their needs are not met. And the forms of protest currently happening in the cities we can expect to take place wherever aspirations are raised without appropriate response.

Modes of public participation can be precise or blunt. The vote, in the aggregate, is powerful but conveys little information, and as an individual act it is blunt and weak. So where persons who have been oppressed see little or no effect from their efforts, they are likely to turn to more precise targets for their demands. The protestors among the poor and minorities of our big cities are specific about their demands: Feeling their educational needs unmet, and unlikely ever to be met, they now vie for complete control of their own schools. Institutional means must be available to resolve these conflicts, or else they will spill out into virtual destruction of the public school system.

Fourth, we must recognize the obstacles and incentives to participation by minorities and the urban poor. The proposals most frequently advanced for channeling public participation are to decentralize big city school systems and to establish community schools. One is aimed at involving residents of the community in the governing structure of the schools; the other, to involve them in the schools themselves. These programs are good ones, but it should be realized that they are means—not necessarily the only ones possible—to more important ends. The essential goal is excellence in education, and it requires divesting authority from those with vested interests in the status quo and putting into those hands which will be knowledgeable and responsive to the needs and aspirations of the communities. Power will have to be marshaled by members of the conventional city power structures and by the new interests themselves to persuade those who customarily vie for the representation in school governing bodies to give up their monopoly.

The big stumbling block to building a new sense of community in our great cities is our failure to insure that the services of the city match the diverse and urgent needs of its citizens. Alliances of concerned persons from all parts of society can, if they are willing to exert the effort and absorb the criticism, build such participant communities and a culture worthy of the American dream. But if we choose not to work with the new interests in the cities in transforming their protests into programs, even at the expense of some control, we can only expect increasing numbers of persons to decide that the empty promises of our troubled society are not for them.

HOUSE OF REPRESENTATIVES—*Wednesday, April, 3, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

All the paths of the Lord are mercy and truth unto such as keep His covenant and His testimonies.—Psalm 25: 10.

Eternal God, our Father, who art the creator and the sustainer of life, without whose benediction all our labor is in vain, we pray that our lives and the life of our Nation may be built upon the rock of eternal truth and everlasting love so we would dedicate ourselves anew to Thee in body, in mind, and in spirit. Satisfy us with nothing but the best in thought and life and keep us restless until we find our rest in Thee.

We thank Thee for our country, for our glorious heritage, for this challenging day, and for the faith with which we greet the coming day. Lay Thou Thy hand in blessing upon all our leaders and all our people. Teach us to look unto Thee as the fountain of all wisdom and the source of all strength. May Thy mighty spirit surge through us and our people translating our lofty principles into living practices and our good words into good works.

All this we ask in the name of Him whose words were life and whose life was altogether worthy. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11527. An act to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of such lands.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2448. An act for the relief of Dr. Gilberto Hedesa de la Campa; and

S. 3030. An act to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15399

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on H.R. 15399, the urgent supplemental appropriation bill for the fiscal year 1968.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A CERTAIN REPORT

Mr. STEED. Mr. Speaker, the Committee on Appropriations plans to report the Treasury, Post Office, and executive office appropriation bill for this session of the Congress. I ask unanimous consent that the committee have until midnight tomorrow, April 4, to file a report on that bill.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GOOD DEMOCRATS MUST SUPPORT THE PARTY'S NOMINEE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, President Johnson's decision not to seek reelection has saddened many of us in the Democratic Party.

But I hope that the initial discouragement created by the President's announcement will not leave lasting wounds in the Democratic Party. Despite the loss of the President, good Democrats everywhere must work toward a victory in November.

Following the President's announcement, I asked that he reconsider and reassess his decision. I still stand behind that statement, and I remain hopeful that the President will see fit to again be the Democratic nominee.

However, should the President's decision be irrevocable, Democrats in Texas and throughout the country must stand by the eventual nominee of our party. In Texas, there is a movement to have Gov. John Connally as a "favorite son" candidate. This is a decision that the Democrats in Texas must make, but I hope that no action is taken which might alienate the Texas Democratic Party from the national Democratic Party. We must do nothing now in Texas which would make our job harder in November.

No doubt, the Republicans are de-

lighted to see the internal battle within the Democratic Party. Many of them are engaging in wishful thinking, hoping that the Democrats will not get together in time to win in November.

Mr. Speaker, I hate to disappoint my Republican colleagues, but I assure them that the Democratic Party—as it has in the past—will get back together and fully and vigorously support whoever the nominee might be. And I assure you that the State of Texas will give the Democratic nominee a clear majority in November.

PEACE FEELERS

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the action of Hanoi in indicating interest in going to the conference table can mean much or nothing. Only time will tell. It does open a door which hitherto was closed and provides a hope for peace. However, it must be kept in mind that Communists negotiate as a means to win victories otherwise denied to them. They can be expected to pry every possible concession from every stage of the discussions. They will talk only for their own purposes, and the fighting will continue.

Consequently, we also must maintain constant pressure at the fighting front to implement the efforts of our diplomats. Otherwise, we will lose our shirts at the conference table while our troops are being stalemated in the field. Communists are never more dangerous than when they are negotiating.

The President must be applauded for his courageous bid for peace but we cannot afford to become overoptimistic or lessen our military efforts until the Communists have shown proof of good intentions.

TEACHERS ARE POLITICAL CITIZENS TOO

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ANDERSON of Tennessee. Mr. Speaker, the CONGRESSIONAL RECORDS of this decade will attest to the recognition by Congress of the enormous importance of teachers. We have turned to education as an investment in our human capital and as a major element in the solution of many of our most pressing social and economic problems. Thus, we have invested more Federal funds in education than the total appropriated in the previous 176 years. In our understanding that there can be scant organized education without teachers we have appropriated very substantial funds to stimulate the growth and improvement of the teaching profession.

Except for the small percentage employed in privately funded schools, teachers as a group are largely at the mercy of governments, State and local, and public laws—all normally determined in the democratic political processes. Their salaries, hours, working conditions, and often their methods are matters crucially influenced by the continuing political decisions of their communities. In short, teachers have a very great deal at stake in the political sector, and their participation is both justified and helpful. The National Education Association is conducting a nationwide program this week to stimulate effective teacher participation in political affairs. It is a very commendable effort from which every community should benefit.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HANOI'S MOVE TOWARD NEGOTIATIONS IS RESPONSIVE

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, today's announcement that Hanoi has agreed to send representatives to discuss the possibility of peace talks in Vietnam, is to me an encouraging development and responsive to President Johnson's announced partial bombing pause.

I have long advocated and I was a supporter of a bombing pause for just such a purpose; to establish the sincerity of the North Vietnam regime toward negotiations, and now, I believe it is up to North Vietnam to demonstrate their good faith by ceasing hostilities, in exchange for a total bombing pause, to open the way for honest and meaningful negotiations by both sides.

Mr. Speaker, I would further trust that there would be no hostilities during negotiations. I remember the extended, on-again, off-again negotiations in Korea, during which time many American lives were lost, and I sincerely hope that negotiations in Vietnam could be conducted in an atmosphere of peace and trust.

The deescalation of the war, I hope, will result in an escalation of peace talks.

But, Mr. Speaker, if Ho Chi Minh continues a military buildup in South Vietnam and his forces make any massive attack on United States or South Vietnamese troops, then I would want it made clear that we would retaliate in an all-out effort to bring this war to a conclusion by military victory.

REV. JOHN WINTERBOURNE

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, I take this opportunity to pay honor and respect to a great and good American, who has just passed away at the age of 97. The Reverend John Winterbourne arrived with his family in Tustin, Orange County, Calif., some 45 years ago.

Reverend Winterbourne had retired from ministries in Colorado and Iowa. Although Reverend Winterbourne was a Methodist, he became associated with the Community Presbyterian Church and was an active and regular attendant. At that time there was no Methodist Church in Tustin.

Reverend Winterbourne's real work still lay ahead, and he founded the Goodwill Industries in Orange County, which at that time had less than 100,000 population, but has since grown to a 1½ million population.

There were lean and hungry days for Goodwill Industries during the depression, but Reverend Winterbourne did not falter, and continued to serve the people of Orange County by furnishing work to the handicapped and to the needy, and making the products of their hands available to the public at a low price.

To his children and his grandchildren, I express my deepest sympathy, and know that they will feel rewarded for the fine work established and conducted by their father and grandfather.

TAX LEGISLATION

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLLIER. Mr. Speaker, the Senate tax bill with a half-dozen extraneous riders was passed yesterday and leaves the excise tax proposal and tax collection speedup provisions of the House measure in what could become a state of limbo. Regardless of the merits or demerits of the Senate-added provisions, and some of them are certainly commendable, we find the other body acting contrary to the basic concept of the constitutional responsibility and prerogatives of the House of Representatives to institute revenue laws. While technically the other body has the right to amend tax legislation, it certainly should be clear to every Member of both legislative bodies that this type of procedure defeats the fundamental intent and purpose of section 7 of article I of the Constitution which states:

> All bills for raising revenue shall originate in the House of Representatives.

It should be remembered that those Members of this body who would prefer to support the broad Senate-passed bill need only exercise their right to place

this bill with a discharge petition on the desk of the Speaker and secure 218 signatures to bring it to the floor in which event it could then be acted upon by the House and subsequently moved to conference in a manner which would be in keeping with the provision of the Constitution I have just cited.

PAYMENT FOR COSTS OF DEMONSTRATIONS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, 5 months ago today, on November 3, 1967, I introduced H.R. 13869, which I believe is probably more appropriate today than it was 5 months ago, because this is a bill which would require an applicant for a permit to hold a demonstration, parade, march, or vigil on Federal property or in the District of Columbia to post a bond to cover certain costs of such demonstration.

This would require anybody such as Martin King, who has announced that he is going to disrupt the operation of our Government by having what he calls a "poor people's demonstration" in the District of Columbia, when he requests a permit to hold such a demonstration, march, or vigil, first, to post a bond in an amount that would cover the estimated cost of additional police forces, including military personnel needed to maintain law and order during such demonstration; and second, to post a bond that would cover the cost of cleaning up, repairing, or otherwise restoring the condition that immediately preceded such demonstration.

Mr. Speaker, this matter has been pending before the Committee on Public Works for 5 months, and it seems to me this is a most appropriate time for hearings to be conducted on this bill in order that legislation of this nature can be enacted prior to King coming and trying to take over the Nation's Capital.

It is high time the American taxpayer be indemnified against subsidizing irresponsible conduct. If King and his followers want to dance, let them pay the fiddlers.

ADDITIONAL LEGISLATIVE PROGRAM FOR THE WEEK OF APRIL 1

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader if he can kindly advise us of the program for the balance of the day and the following days of the week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the majority leader.

Mr. ALBERT. In response to the inquiry of the distinguished gentleman from Illinois, we will proceed with the program for today as announced, House Resolution 1099 dealing with ethics. Tomorrow we will add to the program H.R. 16324 to authorize an appropriation for the Atomic Energy Commission on which a rule was granted today. Also we will go on with the previously announced bill, H.R. 16241, to extend the tax on transportation, on which the Rules Committee granted a rule today. This was listed as being subject to a rule. I will advise Members also that we may have tomorrow, I am told by the distinguished gentleman from Texas, the conference report on the emergency appropriation bill.

Mr. ARENDS. I thank the gentleman for this additional information.

PERMISSION TO RECOMMIT H.R. 6655 TO COMMITTEE ON THE JUDICIARY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that H.R. 6655, for the relief of Mary Jane Orloski, No. 394 on the Private Calendar, be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CLARIFICATION OF LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I make this request in order to clarify my answer to the distinguished gentleman from Illinois [Mr. ARENDS]. I did mean to state that we had already removed, which I thought was already well known, the NASA authorization bill from the program for this week, at the request of the distinguished gentleman from California [Mr. MILLER]—H.R. 15856, which is the authorization bill for the National Aeronautics and Space Administration.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority leader yield?

Mr. ALBERT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I understand from the colloquy which was held between the gentleman from Oklahoma and the gentleman from Illinois, it was indicated that the authorization for the Atomic Energy Commission was coming up tomorrow. Does that mean also that we will have H.R. 16241 considered as well?

Mr. ALBERT. We hope we can consider both and we hope we can do it tomorrow.

As I indicated earlier, we may also have the emergency appropriation bill. We may have to go into Friday.

Mr. GERALD R. FORD. There is a possibility of our meeting on Friday?

Mr. ALBERT. There is that possibility.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from California.

Mr. HOLIFIELD. I would say, after consulting with the gentleman from California [Mr. HOSMER], we believe, while we have asked for 2 hours time for general debate, we do not believe it will be necessary. We are interested in cooperating with the leadership in getting this bill through. It is noncontroversial. We have cut close to 23 percent of the nonmilitary funds of the Atomic Energy Commission. This is a remarkable cut. We have cut 10 percent of the overall budget-approved AEC request, notwithstanding the fact that we had to raise the military section $305 million in order to take care of antiballistic missile research and development and the Poseidon weapon development.

So we have absorbed the $300 million, and we made a 10-percent overall cut, and made a 23-percent cut in the peacetime avocations and the other nonmilitary programs. We believe we have a remarkably sound bill to bring before the House, and we do not believe there will be much controversy. We have asked for 2 hours, but I do not believe it should take over an hour or 45 minutes.

Of course, the will of the House is the will of the House.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

FOOD FOR FREEDOM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 296)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit to the Congress the 1967 report on the Food for Freedom program.

The bounty of America's farms have long given hope to the human family.

For the pioneers, who first plowed our fertile fields, their harvest brought liberation from the age-old bondage of hunger and want.

For the victims of two world wars, our food nourished the strength to rebuild with purpose and dignity.

For millions in the developing nations, our food continues to rescue the lives of the starving and revive the spirit of the hopeless.

We share our bounty because it is right. But we know too that the hungry child and the desperate parent are easy prey to tyranny. We know that a grain of wheat is a potent weapon in the arsenal of freedom.

Compassion and wisdom thus guided the Congress when it enacted Public Law 480 in 1954. Since then, the productivity of the American farmer and the generosity of the American people have combined to write an epic chapter in the annals of man's humanity to man.

In 1966, I recommended that Congress alter Public Law 480 to reflect new conditions both at home and abroad. The

Congress accepted my major recommendations, and added provisions of its own to strengthen the Act. I am proud to report that in 1967 we successfully fulfilled the letter and spirit of these new provisions.

Congress directed that the Food for Freedom program should encourage international trade.

—In 1967 world trade in agricultural products reached an all-time high of $33.9 billion, nearly 20 percent higher than in 1966.

Congress directed that the Food for Freedom program should encourage an expansion of export markets for our own agricultural commodities.

—In the past two years, this nation has enjoyed unparalleled prosperity in agricultural exports. Since 1960 our agricultural exports have grown from $3.2 billion to $5.2 billion—a gain of 62 percent.

Congress directed that we should continue to use our abundance to wage an unrelenting war on hunger and malnutrition.

—During 1967 we dispatched more than 15 million metric tons of food to wage the war on hunger—the equivalent of 10 pounds of food for every member of the human race.

Congress determined that our Food for Freedom program should encourage general economic progress in the developing countries.

—Our food aid has helped Israel, Taiwan, the Philippines, and Korea build a solid record of economic achievement. With our help, these nations have now moved into the commercial market, just as Japan, Italy, Spain and others before them.

Congress determined that our food aid should help first and foremost those countries that help themselves.

—Every one of our 39 food aid agreements in 1967 committed the receiving country to a far-reaching program of agricultural self-help. Many of these programs are already bringing record results.

Congress directed that we should move as rapidly as possible from sales for foreign currency to sales for dollars.

—Of the 22 countries participating in the Food for Freedom program in 1967, only four had no dollar payment provision. Last year, six countries moved to payments in dollars or convertible local currencies.

Congress directed that we should use Food for Freedom to promote the foreign policy of the United States.

Statistics alone cannot measure how Food for Freedom has furthered America's goals in the world. Its real victories lie in the minds of millions who now know that America cares. Hope is alive. Food for Freedom gives men an alternative to despair.

Last year was a record year in world farm output. With reasonable weather, 1968 can be even better. New agricultural technology is spreading rapidly in the developed countries. New cereal varieties are bringing unexpectedly high yields in the developing lands. An agricultural revolution is in the making.

This report shows clearly how much we have contributed to that revolution in the past year. But the breakthrough is only beginning. The pride in accomplishments today will seem small beside the progress we can make tomorrow.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 3, 1968.*

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Adams	Hagan	Resnick
Ashley	Hansen, Idaho	Roth
Cabell	Harrison	Schweiker
Conyers	Hathaway	Selden
Dent	Holland	Stuckey
Dowdy	King, Calif.	Taft
Eckhardt	Matsunaga	Teague, Calif.
Evins, Tenn.	Minshall	Teague, Tex.
Ford,	Pike	Tunney
William D.	Poage	Vigorito
Gurney	Pool	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 400 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CERTAIN REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

STANDARDS OF OFFICIAL CONDUCT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1119

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1099) amending H. Res. 418, Ninetieth Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us makes it possible for there to be 2 full hours of general debate on the resolution referred to the Committee on Rules reported from the so-called Committee on Ethics.

The committee requested 2 hours, and requested an open rule, and that is what is provided. I believe that procedure allows plenty of time for discussion and amendment. What I would like to do is urge the adoption of our rule, and commend the chairman and ranking minority member of the Committee on Standards of Official Conduct, and all of the members of that committee, for doing a most difficult job in a most useful way.

The fact that that committee has reported it unanimously is as important to me as the fact that it reported, because it means that they have discussed all of the onerous problems that confronted them to a conclusion. We have proposed here a permanent committee which can function, and I hope it will be supported, as was the resolution establishing the temporary committee, by all the Members of the House.

My support of this resolution is unqualified, and if it means anything I will oppose any amendment to it except one already agreed upon on the ground that if we amend it we break up a unanimous report of a group that includes every shade of opinion and party in the House of Representatives, and I believe that would be a mistake.

Furthermore, Mr. Speaker, I would like to conclude by saying flatly and dogmatically that this resolution could not have been before us, and the House of Representatives could not be taking this step, had it not been for the work of the gentleman from California, Mr. H. ALLEN SMITH. He played a major role in the establishment of the first committee. I very seldom take the floor to distribute compliments, especially to members of the same committee on which I serve, but I believe it important that the RECORD show that he was a very important element in the step which I believe the House will take today—I hope unanimously—which represents the first major change in this field since the very bad ruling made many years ago by a distinguished Speaker of the House named Blaine.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I first express to the distinguished gentleman from Missouri [Mr. BOLLING], my deep gratitude for his very kind remarks. Mr. BOLLING was with me every minute as we worked on this whole situation for the Committee on Rules. I sincerely appreciate the kind remarks made by the distinguished gentleman from Missouri [Mr. BOLLING], and commend him for the outstanding contribution he has made to this subject.

Mr. Speaker, on April 13, 1967, the House passed House Resolution 418, as approved by the Rules Committee, to create a bipartisan committee to "recommend as soon as practicable to the

House of Representatives, such changes in laws, rules and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House."

I think the committee did a good job. It was a difficult job to do. It heard all Members who desired to be heard, received statements from others, held public hearings, reviewed standards of conduct in force in other nations, States, and cities, and studied available material. On March 14, 1968, it approved and submitted to the House a 44-page report of its findings and conclusions. House Resolution 1099, to accomplish their suggestions, was introduced and referred to the Rules Committee. It is before us here today.

The resolution will create a permanent Committee on Standards of Official Conduct with powers to investigate, submit proposed changes, and refer any alleged violations to the appropriate authority. A code of official conduct for Members, officers and employees will be established. It contains eight standards which are set forth in the resolution.

To implement and carry out this code, House Members, officers, and key staff personnel would be required to publicly report annually:

Ownership of interests worth more than $5,000 in companies "doing a substantial business with the Federal Government or subject to Federal regulation." Reporting would also be required where income from such firms amounts to $1,000 a year or more. The names of law firms and any other professional groups producing income of $1,000 a year or more. Other sources of income exceeding $5,000, including capital gains. Reimbursement of any expenditures of more than $1,000 a year would also have to be listed. The annual reports would also be required in instances where relatives or close business associates hold the money.

Certain of the above information will be made available for public inspection. Some of it will be kept sealed by the committee and opened only if complaints are received whereby a majority of the committee members believe the information should be inspected. This is in an effort to avoid last minute smear campaigns from persons who might deliberately use the information in a misleading manner through political ads, and yet stay within the law.

The parliamentary situation today is this: As I mentioned, the Rules Committee reported House Resolution 418 creating the committee. The Committee on Standards of Official Conduct reported to the Rules Committee, which retained original jurisdiction. The Committee on Standards of Official Conduct reported the resolution which is before us, H.R. 1099, which will continue the committee and establish a code of ethics for the House. The resolution could have come to the floor of the House without a rule, which would have limited debate to 1 hour, 30 minutes on each side, and a vote would then be taken up or down on the resolution.

But the Rules Committee felt the members of the committee should have an opportunity to be heard, with the result that we have reported a separate resolution providing for 2 hours of general debate, 1 hour on each side, and the resolution will be open for amendment. Had we just reported the resolution, it would be tantamount to a closed rule under which amendments could not be offered. The Rules Committee does not like to report closed rules as a general practice, and does so only in a few instances, usually on tax bills.

Amendments will probably be offered. I read some of them this morning. As far as I am concerned, I believe the committee did a good job. I am going to stay with the committee. I caution Members: on amendments being offered, if you have not read and studied this entire matter consider carefully before supporting any amendments, for you may create a bad situation and ruin the tremendous efforts of this committee.

I realize, as well as all of you do, that we cannot legislate honesty or morality. But a good code has been set out here. I would like to recommend it to newspaper people and everyone else. I would like to see everyone else follow the code that is set forth in the resolution. I commend the committee. I urge adoption of the rule, and I urge the approval of House Resolution 1099 as amended by the Rules Committee.

Mr. Speaker, I might explain the amendment briefly. On the question of releasing the information required to be reported under part A, it was felt that the committee should have the name, identity, and so forth, of the person asking to see the report. The Rules Committee, with the approval of the chairman of the Committee on Standards of Official Conduct and the gentleman from Indiana, agreed to that amendment. Then we found out that we would create two classes of persons required to report because there are provisions in the resolution requiring that a Member be notified if anyone asked to see his report. We had not required notification so far as key staff personnel were concerned. That has been added so that everybody will be treated equally, and in turn the language of the amendment will provide that if an inquiry is made concerning key staff personnel, it is required that the employing Member should also be notified so that at least he will have some idea of what is going on and can talk to his key staff personnel.

I think the resolution has been very well written, Mr. Speaker, and I support it as reported by the Rules Committee. I urge adoption of the rule.

I will say to the gentleman from Missouri, I do not have any requests for time.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks and include pertinent material during general debate on House Resolution 1099.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1099, amending House Resolution 418, 90th Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1099, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. PRICE] will be recognized for 1 hour, and the gentleman from Indiana [Mr. HALLECK] will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois [Mr. PRICE].

Mr. PRICE of Illinois. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, a little less than a year ago this body created a Committee on Standards of Official Conduct and instructed it to return with recommendations for changes in laws, rules, and regulations that would establish and enforce standards of official conduct for Members, officers, and employees of the House. It was my honor to have been chosen to chair that committee, and it has been a gratifying experience to serve with the distinguished gentleman from Indiana [Mr. HALLECK], vice chairman, and the other colleagues, OLIN E. TEAGUE, of Texas; JOE L. EVINS, of Tennessee; WATKINS M. ABBITT, of Virginia; WAYNE N. ASPINALL, of Colorado; EDNA F. KELLY, of New York; LESLIE C ARENDS, of Illinois; JACKSON E. BETTS, of Ohio; ROBERT T. STAFFORD, of Vermont; J MES H. QUILLEN, of Tennessee; LAWRENCE G. W LLIAMS, of Pennsylvania who accepted assignment to the committee.

Last March 14 the committee responded with its report. At the same time I introduced House Resolution 1099, the subject of this debate, which would implement the principal recommendations of the report.

It will be recalled that the committee was constituted equally balanced as to political partisanship. And, Mr. Chairman, I want to take this opportunity to assure the House of Representatives that the committee functioned not only to the letter of its mandate but to the very inner spirit of it as well. Every Member of this body must know of the extreme sensitivity of our assignment. One of the genuine rewards of this experience has been to observe the manner in which members of the committee on both sides of the political aisle shunned every tendency toward partisan

debate and considered only what they honestly felt was in the best interest of this durable institution.

But, Mr. Chairman, I hasten to add that we have not deluded ourselves into believing that there do not exist broad areas of disagreement over the methods needed to attain the objectives which we all pretty well agree upon. Essentially those objectives are an ideal legislative process in which the citizen's interest is expressed by his Representative just as though the constituent were present to vote on the issue himself. But even if some objectives are practically unattainable, they nevertheless are goals toward which we may worthily strive.

The resolution before you should be viewed as a means of advancing toward ideal legislative processes even if we, as mere mortals, must admit to the unlikelihood of complete attainment. It is a sincere effort—an effort with which, I hope, each Member can comfortably accommodate as a means of working to prevent, or deal with, any impropriety that might discredit the House.

Mr. Chairman, because of the nature of the subject I should like to go into some detail about the content of the resolution.

The resolution before you would amend House Resolution 418.

The reason for amending that original resolution, as opposed to offering a completely new resolution, is that the committee felt it would be advantageous—from the standpoints of continuity and orderliness—to extend the life of the existing committee rather than constitute a new committee.

Our report makes seven specific recommendations, only four of which are covered in the implementing resolution before you. The additional recommendations are general in scope and are designed to complement those contained in the resolution.

I shall discuss the salient points in sequence.

The first section would amend the rules of the House to make the Committee on Standards of Official Conduct a permanent standing committee, not just a committee of this 90th Congress.

There does not now exist any permanent standing committee charged with the overall responsibility of overseeing the conduct of Members and employees of the House. The committee felt that ready machinery should be available to deal with matters of official conduct as they arise, rather than consign such matters to the cumbersomely slow methods of the past—methods that historically have permitted abuses to develop into serious losses of prestige before being dealt with.

Additionally, such a committee would be needed to establish the facts in situations that could be expected to arise under the recommended code of official conduct and the proposal for financial disclosure. In spelling out these provisions, the committee found need for flexible language in many instances. The facts in a particular case would have to be tested, and it seems both logical and practicable to have such tests made by a continuing committee charged with responsibility in the overall area of conduct.

Section 2 of the resolution would spell out in the Rules of the House, rather than in the rules of the committee, the powers that would be vested in the committee and the limitations on the committee's powers.

The committee would be given legislative jurisdiction over the code of official conduct and the provisions for financial disclosure, the unique new areas of legislative jurisdiction that would be created.

The resolution would permit the committee to retain the authority given it in the original resolution to make recommendation in the general area of standards and conduct. It also would provide the committee with certain additional powers. One would be general investigative authority subject to specified limitations. Another would be the power to report to appropriate Federal or State authorities, with the approval of the House, substantial evidence of law violations. The committee further would be authorized to render advisory opinions, on request, to Members, officers, and employees of the House with respect to current or proposed conduct. All of the proposed powers are directed toward making the House the judge of its own membership in fact as well as in theory.

The limitations on the committee's authority are stated in detail.

They are:

First. That no substantive action could be taken without an affirmative vote of at least seven members of the committee. This means that at least one member of the committee would have to cross the political median strip and that the bipartisan character of any committee action thus would be retained.

Second. That complaints could be received by the committee only under specified conditions. Except for investigations undertaken on its own initiative, the committee could take investigative action only upon receipt of a complaint in writing and under oath made by or submitted to a Member of the House and transmitted to the committee by such Member. This is only the first of a number of steps the committee would take to ensure that wild and reckless charges would not be dignified by a formal investigation. An alternative route is provided for investigation of a complaint from the outside in the event that at least three Members of the House refused to transmit the complaint. This is simply to provide assurance that an investigation may not be avoided by an internal process.

Third. That no investigation could be undertaken of any alleged violation of a law, rule, regulation, or standard that was not in effect at the time of the alleged violation. Another limitation would prevent a member of the committee from participating as a member of the committee in any proceeding relating to his own conduct. In such a situation, the Speaker would appoint a member of the same political party to act in the stead of the ineligible Member.

Section 3 of the resolution calls for incorporation in the Rules of the House of an eight-point code of official conduct as follows:

1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

The committee endeavored to draft a code that would have a deterrent effect against improper conduct and at the same time be capable of enforcement if violated. Initially the committee considered making violations of law simultaneous violations of the code, but such a direct tie-in eventually was ruled out for the reason that it might open the door to stampedes for investigation of every minor complaint or purely personal accusation made against a Member. At the same time, there was need for retaining the ability to deal with any given act or accumulation of acts which, in the judgment of the committee, are severe enough to reflect discredit on the Congress. Stated purposefully in subjective language, this standard provides both assurances.

2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.

This standard was drafted also in general terms rather than attempting to deal more specifically with such things as unfair and dilatory legislative tactics. It did not appear practicable to the committee to attempt to regulate these areas more closely. This standard should provide the House the means to deal with infractions that rise to trouble it without burdening it with defining specific charges that would be difficult to state with precision.

3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

This standard is aimed at conflicts of interest. To state the prohibition is far easier than defining conflicts of interest before the fact. Clearly, judgments set against the facts in each particular case would have to be rendered. If a set of facts were measured by the standard and an unmistakable violation were disclosed, the House would need methods for dealing promptly with such a violation.

4. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization or corporation having a direct interest in legislation before the Congress.

This standard is certain to raise the question of what is "substantial value." Another question will be "Do not all people have legislative interests?" The answers again must be found in the facts in a given case. Answers to such questions as: Who gave? who received? how much? at what time? under what circumstances? and so forth, will be needed. Given these facts, a determination should not be difficult to reach. It just is not reasonable to try to establish dollar limits on what is substantial value.

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other activity, from any person, organization or corporation in excess of the usual and customary value for such services.

This standard also is largely subjective. The flexible question here is, of course, "customary value for such services." The committee felt that however the determination of "customary value" is made, whether in application to the donor or the recipient, or both, if the honorarium is found to be within such limits, no imputation of impropriety would attach to its acceptance.

6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

There is a very substantial need for a better definition of legitimate campaign expenditures. There is also a need for recognizing that the political process is not one that takes place in a selected period of time but is rather a continuing thing. As this standard is stated, the definition of what are "bona fide campaign purposes" is, at it has been in the past, left largely up to the Member and the Internal Revenue Service. Properly, this subject should be covered by the Federal Corrupt Practices Act, but that statute, as it stands, does not take present-day practices into account. Pending the modernization of the Corrupt Practices Act, as is recommended in this committee's report, this standard of the proposed code should provide needed guidelines for better accounting of political versus personal moneys.

Mr. LATTA. Mr. Chairman, will the gentleman yield to me at this point?

Mr. PRICE of Illinois. I shall be glad to yield to the gentleman from Ohio.

Mr. LATTA. I notice 1, 2, 3, 4, 5 items of the code of official conduct apply to a Member, officer, or employee of the House of Representatives. Now, as we get into item 6 the gentleman will find that this applies only to a Member of the House of Representatives keeping his campaign funds separate from his personal funds. I called the attention of the House just recently to an officer or employee of this House raising campaign funds even before he announced as a candidate and he indicated that he did not know whether he was going to become a candidate. However, funds were being collected.

My question is whether or not you should not further amend item 6 to include an officer or employee of the House in keeping campaign funds separate from his personal funds, and so forth.

Would the gentleman from Illinois like to comment upon that question?

Mr. PRICE of Illinois. I might say that the committee dealt with this insofar as it affected Members of Congress who were candidates for reelection or candidates for other offices. We dealt in this instance only with the Members of the House because under the House rules, by House resolution, we could not deal with any other candidates who are not Members of the House of Representatives.

Mr. LATTA. May I comment upon that further? As I pointed out, in items 1, 2, 3, 4, and 5 we are dealing with Members, officers, and employees of the House of Representatives.

Mr. PRICE of Illinois. That is correct. This refers to conduct rather than to financing a campaign.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Indiana.

Mr. HALLECK. I believe the gentleman from Illinois has answered the question, but certainly if an employee of the House of Representatives wanted to run for Congress, that is his right.

Now, perhaps he ought to resign his job before he starts that, but if he wanted to raise a campaign fund, that would be his privilege. And if we were going by what the gentleman suggested, I do not know whether you could deal with it through the code of ethics, and I do not believe you even ought to attempt to deal with it through the code of ethics.

Mr. PRICE of Illinois. The gentleman is correct.

Mr. HALLECK. That properly, it would seem to me, would be something to be handled through the rules of the House on the conduct of employees, or the Corrupt Practices Act.

Mr. PRICE of Illinois. I believe the gentleman from Indiana is correct.

I might say that we do in our recommendations suggest that the Corrupt Practices Act be updated, and I certainly believe that in the event it is, that a matter like that could be treated.

Mr. LATTA. If the gentleman will yield further, the gentleman is saying this is a matter that should be taken up under the Corrupt Practices Act rather than through the ethics procedure?

Mr. PRICE of Illinois. The Corrupt Practices Act goes further, and does deal with candidates for office, and it is a statute, but we are here dealing with the rules of the House of Representatives, and we have no jurisdiction to go outside of the Members and the employees of the House of Representatives.

In the case to which the gentleman refers, I believe that is a matter that will be considered as involving a candidate for office, and we felt we did not have the jurisdiction on that.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I appreciate the gentleman yielding, and I would not ask the gentleman to yield unless this colloquy had developed, because I know that the gentleman wants to finish his speech.

But I would like to say to the gentleman from Illinois that I believe his great committee—and it has been a great committee—has met the mandate of the House of Representatives of a year ago, when we created the committee. The gentleman's committee is made up of such outstanding Members of the House of Representatives as the gentleman from Illinois [Mr. PRICE] and the gentleman from Indiana [Mr. HALLECK] and others, who are held in the highest esteem because of their character and their judgment throughout the House of Representatives.

I do not suppose that this recommendation in every particular will please everybody, even including the members of the committee, but I must say, in discussing this matter with the members of the committee, including the gentleman from Illinois [Mr. PRICE], the gentleman from Indiana [Mr. HALLECK], and others, that they have been able to answer every question which I personally have raised.

I believe the committee has done a job which will add luster to the House of Representatives—which those of us who serve in it believe to be the finest governmental organization in the world. I congratulate the members of the committee on their work and, as far as I personally am concerned, I intend to follow them, to keep this report in balance, because I believe it would be easy to throw it out of balance on the one side or the other. I sincerely suggest that all my colleagues do likewise.

Mr. PRICE of Illinois. I thank the gentleman from Oklahoma.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, on page 4, lines 14 through 16, it is provided that:

(3) No investigation shall be undertaken of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

I would ask the gentleman from Illinois as to precisely the meaning of this language?

Mr. PRICE of Illinois. This in effect means that this resolution is not retroactive through the creation and adoption of the resolution in the House.

Mr. GROSS. So that it is all prospective. Is it being provided that an investigation cannot go back on any Member who may have been here 20 years or 30 years; consider the past conduct of a Member if that Member should run afoul of this committee in the future?

Mr. HALLECK. We cannot have an ex post facto law.

Mr. GROSS. This refers only to the future, and not prior to the time when the rule or the regulations were in existence?

Mr. HALLECK. If the gentleman will yield further, it seems to me it is inherent in the very essence of the law of our country that an ex post facto law is not proper; that you cannot today say that something was wrong last year, because no person could be on notice.

But, obviously, any conduct that was in violation of any law prior to this time would be subject to such criminal action or other action that might be desirable, or expected and supported. But I think we have got to have that in. We cannot adopt this resolution today, as I am sure it will be adopted, and then in respect of this code say that someone who took a gift maybe that he should not have taken last year should be charged with wrongdoing because of the adoption of this code.

Mr. PRICE of Illinois. The gentleman from Indiana is correct. There may be laws already in existence. There may be some rules already in existence. There may be some legislation already in existence. But this code has not been in existence and will not be in existence until the House adopts this resolution this afternoon. I do not think the committee should go back into charges of violations

of a law that was not in existence prior to the passage of this resolution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. This is the first time I have become aware that the House of Representatives was mandated by the statute of limitations. I do not know of a committee in Congress that operates with regard to the statute of limitations or applies judicial proceedings to their investigations. Let me point out to the gentleman that in a recent, prominent case in the other body, the search for evidence went back to 1950.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Oklahoma.

Mr. ALBERT. What the gentleman from Iowa has said is not relevant to the issue before us. Of course, the House can go back and investigate into the activities, criminal or otherwise, of any Member. The question is, Should we, in contravention of the spirit of the Constitution, which prohibits ex post facto laws, take it upon ourselves today to investigate Members retroactively under this resolution?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. All I am calling attention to is the restriction in this resolution which I say ought not to be there.

Mr. PRICE of Illinois. I would say to the gentleman the committee does not regard this as any great restriction, because we still have plenty of investigative authority.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Oklahoma.

Mr. ALBERT. There is no restriction in the resolution with respect to laws or rules that are now in effect.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Oklahoma.

Mr. BELCHER. The expression "ex post facto" may not ring a bell with every Member of the House. Apparently it does not with the gentleman from Iowa. What the term means is that, if it were ex post facto, you could make a charge under this code of ethics before it was adopted by the House. That is all in the world it means. It means that a Member who has violated any rule of the House, any law, or any standard of official conduct or anything else which the House of Representatives could investigate, this resolution would not have anything in the world to do with it. But if you are going to make this code apply to what has been done in the past 10 years, then it would not be fair to go back and say, "Last year you violated the code we passed this year." The gentleman certainly does not call that a restriction, does he?

Mr. GROSS. Yes.

Mr. BELCHER. Then I cannot explain it to you.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I was going to ask the gentleman if he planned to discuss in the time available the financial disclosure provisions, the language of the resolution and its rationalization, because I have several questions I would like to ask the gentleman on that subject.

Mr. PRICE of Illinois. We have had an extended discussion and we are getting to the end of the time allotted on this side. The Clerk will read the resolution, and under the 5-minute rule we will then have plenty of opportunity to discuss that question. I should like to get to the remainder of the proposed code. Point 7 of the code is as follows:

> 7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

The committee felt that this standard similarly was needed pending the updating of the Corrupt Practices Act. There is a need, as we see it, for a precept that will guide Members in the management of proceeds from testimonial dinners and other fundraising methods and thereby eliminate murky areas.

> 8. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

This standard is essentially self-explanatory. Nowhere has there been stated, other than in the 1958 code of ethics, the need for meeting this most elementary requirement. Making this standard a rule of the House would provide a means of enforcing this simply stated requirement.

The other main provision of the resolution is a proposed rule of the House to require certain financial reports by Members, officers, and employees of the House.

This subject brought forth the most positive opinions of any that came before the committee. The overwhelming majority of the testimony favored some form of disclosure.

The legitimate objectives of financial disclosure, in the committee's view, are, first, to serve as a deterrent reminder to the person filing and, second, to acquaint a Member's constituents with the areas in which it is possible for a conflict of interest to occur. Only such information as serves those objectives can be validly required, the committee concluded.

The method of financial disclosure proposed in this resolution seeks to accomplish those objectives. It would be a two-part system. One part, aimed primarily at the deterrent objective, would be sealed and not made public except under unusual conditions. This portion would contain specific items of valuation and income—information which is not essential for prevention of a conflict-of-interest objective.

The other part, which would be made public, would identify certain assets, business or professional affiliations, and the sources of outside income, any of which might be persuasive of the judgment of a Member in his legislative role. After a careful analysis of factors capable of doing this, the committee concluded that only the identity of certain financial interests is essential to the objectives earlier stated.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, does the section the gentleman refers to mean the wife of the Member may own property through inheritance or other means and does that have to be listed?

Mr. PRICE of Illinois. I think the disclosure provision is so written that we mean if the Member constructively controls or has a constructive interest in the spouse's interest.

Mr. HAYS. What does the gentleman mean by "constructive interest"?

Mr. PRICE of Illinois. It would be more or less control and be able to profit by the investment.

Mr. HAYS. Is the answer "Yes" or "No"?

Mr. PRICE of Illinois. The answer is "Yes."

Mr. HAYS. All right. That is what I wanted to find out.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentlewoman from New York.

Mrs. KELLY. Mr. Chairman, I think it would be worthwhile to bring up this point. The discussion that has been had, I believe, indicates that if a Member holds in trust in any way the money of a minor child, he must also account for that. Is that not correct?

Mr. PRICE of Illinois. If he has a constructive control, yes.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield further on this point?

Mr. PRICE of Illinois. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I fail to understand just what is necessary to report. Do I understand that any income of a child, a minor child, would have to be included if it exceeded the $5,000 limit?

Mr. PRICE of Illinois. A minor child?

Mr. FRELINGHUYSEN. A minor or an adult child. I would start with a minor child.

Mr. PRICE of Illinois. If it is controlled by the parent, yes; by the Member.

Mr. FRELINGHUYSEN. Is a minor child considered under the control of the parent?

Mr. PRICE of Illinois. I think that is a pretty good legal question.

Mr. FRELINGHUYSEN. It is a pretty obvious question. I do not know what the answer is.

Mr. PRICE of Illinois. The answer is that if it is constructively controlled by the Member, it must be reported.

I would feel that "constructive control" means that the person reporting possesses such control that improper action from his legislative position could permit income to accrue to him either directly or indirectly.

Mr. FRELINGHUYSEN. Mr. Chairman, I regret to say I do not know what constructive control means. Is the parent assumed to have constructive control over his child's assets?

Mr. PRICE of Illinois. I would say, if a Member had control.

Mr. FRELINGHUYSEN. I do not get an answer on that question. I hope perhaps the gentleman from Indiana can clarify it.

If a Member is a trustee of a trust, and the beneficiary is not at trial at all, he is in constructive control over those assets. Are those assets to be reported in this statement?

Mr. PRICE of Illinois. Yes, they are.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Indiana.

Mr. HALLECK. May I say to my chairman, I do not quite agree with that.

Let me answer, if I can, the gentleman from New Jersey, as to constructive control. The Internal Revenue Service has certain definitions of that. The inheritance tax operations have certain definitions of that.

I would say to the gentleman very frankly, if I were a member of the committee and he were a trustee of an irrevocable trust for a minor child, he would not need to report here, because the benefit which might derive from that could never come to him.

Mr. PRICE of Illinois. I would agree with that statement on the part of the gentleman from Indiana, on an irrevocable trust.

Mr. FRELINGHUYSEN. Is there a question of the remainder interest that might fall to a beneficiary, because the irrevocable trust might depend upon the child's life and might revert at such a time?

Mr. HALLECK. All I can say is it is my understanding, as a lawyer I used to be, if one has that sort of interest and one dies with that sort of situation existing, the inheritance tax people would charge it as a part of the estate.

Let me say one thing further, Mr. Chairman. I realize, of course, that in connection with any of this language questions can arise. But one thing we did, I say to the gentleman from New Jersey, was to provide for an advisory opinion from this committee. It would seem to me if any question arises then the committee could be asked. I would hope we would be able—whoever is a member of the committee, with a proper staff—to advise the Member, so he would know.

Absolutely we cannot avoid some gray area in anything as complex as this.

Mr. PRICE of Illinois. Mr. Chairman, I should like to emphasize that our committee was not swayed by any hue and cry in arriving at this recommendation. It did not reach for compromise. It reached for a totally legitimate and defensible means of monitoring conflicts of interest. The report states:

> It can be argued with considerable merit that point 3 of the Code of Official Conduct, along with the enforcement authority recommended, is sufficient to monitor conflicts of interest, thus obviating any need for financial disclosure. The Committee did not overlook this alternative. It concluded that even if both approaches became duplicative in effect rather than complementary, the better judgment was to err on the side of duplication.

Mr. Chairman, I repeat that the committee did not seek a compromise in any area of its concern. It sought what it considers a totally legitimate and defensible set of recommendations. It is to be expected that recommendations such as these will meet with divergent reactions, but this committee feels that not too much must be yielded from any point of view to find justification for the position taken.

Mr. Chairman, the committee report concludes, as I will, and I quote:

> This committee boasts of no superior wisdom or special insight, but it does assure the House of Representatives that it has, with some experience, sincere humility, genuine reverence for the institution itself, and, above all, true respect for each individual Member, considered the contents of this report and deems adoption of its recommendations in the best interest of all.

Mr. HALLECK. Mr. Chairman, I yield myself 15 minutes.

I might say, I do not know whether I can get this over with in 15 minutes, but I will try to, because there are other fine members of our committee who have something to say here, and I want them to have adequate time.

Mr. SCOTT. Mr. Chairman, will the gentleman yield before he starts his discussion?

Mr. HALLECK. I yield to the gentleman from Virginia.

Mr. SCOTT. I have read the entire report and certainly am in substantial accord with it. I had no real question until the discussion just a few minutes ago.

Mr. HALLECK. I do not yield for that purpose, Mr. Chairman.

Let me conclude my statement, and if I have any time remaining I shall be glad to discuss that further. I do not want to yield for that purpose at this time, because I have a few things I want to say, and I want to get that done first.

I should like to say, as the chairman said, along with others, I am glad to have served on this committee. I have had some thankless jobs around this place. This was just another one of them, in my 34 years here. I did not ask to serve, but I am glad I did serve, because we have had fine people on this committee and all sorts of different ideas as to what this code ought to be.

We put out word for witnesses to come in. One would have thought, from the clamor about it, that everybody would want to come in to tell the committee what we should do to improve our ethical standards. I can tell the Members, as I said before the Rules Committee, it would have taken a 20-mule team to get some of the people in here who have been most critical of the Congress and the conduct of Members, and especially the conduct of individual Members.

We had a great many Members come in to testify, and I am glad they did, but, generally, a lot of them had press releases for what they were going to tell us.

We are past that now. We listened to all of that and we considered all of the testimony carefully. This is not the time for heroics or trying to make hay by criticizing Members of Congress or this body as a whole. Let us get down to it and adopt this code, because I think it is good.

This code, we all knew, had to be effective, but at the same time it has to be enforceable. We have Corrupt Practices Acts, and we have all sort of things that are honored in their breach. Nobody pays much attention to them. Why, I have had a Democrat running against me every time in November, and not one of them for years has ever filed that 10-day report.

I know some Members have amendments. Some of them have been sent around. I do not know how much attention they pay to the Corrupt Practices Act, but that is not the issue here before us. Some people have said, "Well, CHARLEY, you are quitting, so you are just going to write this real rough." Well, folks, that has not made a bit of difference to me. One reason I went on this committee is that I knew that we have been subject to criticism as individuals, and there has been a lot of that criticism, by some people who would like to destroy the Congress of the United States as an equal coordinate branch of the Government. I resented it, and I still do. So I said, "Well, we will go out there and do the best we can." Why did I feel that way? Folks, this Congress and this House of Representatives, as Mr. Sam Rayburn, our great Speaker, used to say of his career, has been my life for half of my 68 years while I have served here in this body. I am sure the people of this country have as good a Congress at any given time as they deserve to have.

Once in a while we are asked, "What can you do to improve the Congress?" Well, I said one time facetiously in a debate that there is nothing the matter with this Congress that a good election would not cure. You understand that borders on the partisan. But there was no partisanship in this committee. Look. I have been here, and, why, nobody has been convicted for bribery in this body for almost longer than any one of us can remember. I happen to believe that the people who serve here are good, honest, decent people of integrity and character. That is one reason I am glad to have been here.

In my opinion, the Congress of the United States has been a balance wheel of constitutional government many, many times even in my short career here. People say, "Congress is no good." Well, we had a fellow by the name of Gilpatrick who worked for Brookings Institute who came to talk to us about this matter. He said, "You know, a strange thing is, we did an exhaustive study and we asked parents, 'Would you like to have your son or daughter go to Congress?' Almost overwhelmingly they said, 'Sure.'"

I am quitting. Well, do you know how many candidates are trying to come here in my place? Twenty. It cannot be such a bad place. It is a great honor to be here. We have even had some newspaper people who once in a while criticize us. God knows I do not want to quarrel with the press, because I have enough trouble already, but our chairman is a newspaperman. We have some newspaper people over here and we have them on both

sides, and I am really glad they are here. But I must say to you, folks, there is no closed season on us, as Members of Congress, is there? If you think there is, you just get picked up as a guest for hunting doves over a baited field, and you will get your name on every front page in the United States in boxcar-sized letters. But when the judge acquits you in a court of law, it is in little, itty-bitty fine print in the classified section.

We had one witness who came in and said just flatly—it was not a press release, but he said flatly—that the people of the country have lost confidence in the Congress of the United States and in the legislative process. That kind of torched me up, and I said so. Well, it was revised to maybe a measure of confidence, but I got a lot of mean letters. They said, "Why, you skunk, while you are down there in that outfit, you are taxing us too much. You have us in a war. You are spending too much money. You are setting standards for violence." Oh, maybe some of those happened, but that should not be charged to me. And so it goes.

There is one thing I want to point out in connection with this whole thing—these people who criticize the Congress as a whole—and I have had some of these letters—but they say, "Our own fellow—he is all right." If we are all all right to the people who sent us here—and you have to stand up every 2 years—and I am telling you it is a tough job to come here and tougher to stay—you know you are going to be up against that buzz saw every 2 years—and I cannot think of anything better as a code of ethics than that.

There is another thing I want to talk about.

We have not dealt in this with violations of the law.

I wanted some language in here that would simply say that any violation of the law in respect to your duty and responsibility here was unethical per se. Some of the smarter lawyers than I am over at the legislative branch of the Library said that that would get it all fouled up with the Justice Department—I do not think so. At any rate that is not in here.

But I think everybody realizes that is true—we cannot rewrite the criminal code. By the same token we have to give to the House Committee on Administration their rights and their responsibility to deal with the Corrupt Practices Act.

I think 50 percent of the testimony that we had dealt with the Corrupt Practices Act. We could not get into that.

There is conduct that is unlawful under the Lobbying Act—we did not get into that—that is part of the law of the land.

First of all we called for a standing committee.

May I say in that connection—I concluded that you did not have to write this code so specifically, if you had a committee that would be riding herd on us, as we might say out in Indiana—all the time—checking, checking expenses and getting complaints—and people asking for advisory opinions. So I am glad that we are going to have the committee. I do not know if I were going to be back here next year whether I would want to serve on it because I have always been a kind of a live-and-let-live guy. But I guess maybe I would serve on it if I were going to come back.

But in any event we are going to have that committee and with a 6-to-6 division, you cannot have, as I have already pointed out, a completely political operation. That committee can recommend changes. I think that is all right and that is as it should be.

When you get down to the code itself here is where you really begin to get into the tough going. Maybe it is not too much to say that a Member, officer, or employee of the House should conduct himself at all times in a manner which shall reflect creditably on the House.

I think that everybody can understand—and maybe it is a restatement of something that we ought to know anyway and take for granted—but it is in there as a sort of warning to all of us that:

The Members and employees shall adhere to the spirit and letter of the rules of the House of Representatives.

Now, that is not earth shaking, I will grant that. But I think it ought to mean something to everyone of us.

And the resolution also reads:

3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

I think that is understandable.

You can get up here and ask me about this circumstance or that circumstance and I might be a little hard pressed to answer. But in the first instance, the Member is the judge. And he can ask for advisory opinions if he wants to.

The resolution also reads:

4. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, . . .

I have heard people say, "I would not take anything worth more than $2.50." Why, you cannot even go to a dinner down here for that. You cannot draw that kind of a line. So we say, "substantial."

In other words, we say that "A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress."

Now, if they have an interest in legislation then you get into this field of conflict of interest. And after all, in my opinion the only matters with which this code should deal are those that give rise to conflicts of interest. And I think that is spelled out so everyone of us can follow it. Then the resolution also provides that:

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

Now, some time ago I used to make a little money like that, and it is a reputable and decent way to do so. We go out here, and some newspaper or radio fellow makes 500 bucks, and they want us to come for nothing. So I quit that a long time ago. I do not get asked much any more.

This may be my swan song here, and I might as well spell out how I feel. At one time I thought we were going to be tough and so we were going to say that you could not make any speech or say anything with respect to legislation, and maybe you could not make a speech anywhere, I do not know. Because you take these big organizations, say, like the NAM and the CIO, you name it. They have some sort of an interest in practically everything. So we say do not get paid with a lot of money, more money than it is worth. Just take what is customary. And I believe that is all right.

Now, the sixth item: Keep your campaign funds separate. I assume most of us do do that. Of course, there again when you come to draw that line between what you spend campaigning and what may be for something else, it is a little tough to draw. But I believe there the matter has to be handled with discretion. Because, there is another thing, you know, and some of you young people who are here just remember the only way you can come back here is to start running the day after election. And that means spending a lot of money and doing a lot of things, feeding your constituents and making the county fairs, and buying prize calves, and all the other sort of things you have to do. You have to work at it. I believe we have allowed for all of that.

Then, the seventh item:

7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

Now, we did not accomplish the complete outlawing of testimonial dinners—I wish that you people had some for me.

I have received a shotgun, and some nice antique vases—a few things like that, and I know there are people who have received other things, but it is in a spirit of giving, a spirit of appreciation. That does not refer to a conflict of interest. So we went along, and it is understood that that is it.

Then item No. 8: Do not hire anybody who does not do a job. Do not pay him out of your clerk hire allowance.

There are a lot of people who would outlaw all nepotism. I never hired a relative to work on my payroll in my life, but I do not object to other people doing it so long as the person is competent and does the work, that is enough.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALLECK. Mr. Chairman, I yield myself 1 additional minute.

Then we come to the subject of financial disclosure.

Now, I understand—and I am sure the Members understand that this is when you really get down into the meat of the coconut.

A lot of people wanted this to consist of making our income taxes public. Some of them wanted disclosure tough. Well,

it occurs to me that, if you have nothing that looks bad, does it not? And if you have a lot, then maybe some will say "he doesn't need the job." A demagog could really take you apart. I know the word "demagog" is not parliamentary language, but I am not referring to anyone in particular.

I will tell you what I wanted in here to start with, with respect to financial disclosure—and I will say another thing: When I started out I really was not for financial disclosure at all. To begin with, I did not believe it was anybody's business, but we went around and around for days, and about 196 of the Members here offered some sort of bill providing for it. So we decided we ought to have some disclosure, and I became convinced that if you are going to disclose, it has to be public.

Putting it into some sealed envelope cannot help anyone. What I wanted to have was a provision that you ought to reveal publicly the sources of any income that might reasonably be presumed to influence or control your judgment and action on matters coming before the House of Representatives.

Well, my colleagues thought that that provision ought to be spelled out. And so I think it has been spelled out here. You have to list publicly if you have more than $5,000 from a corporation or a business doing a substantial amount of business with the Government. There, again, I raise the question. Procter and Gamble sells soap, I suppose, to the Government. If I had $5,000 income from stock of that company, I would file it. I own a farm. If I was receiving income under the farm program, I might not have to file that amount, but I would do so anyway. It does not make any difference. But if you have income, it is the source that counts and not amounts. The amounts are provided in the confidential report that could be only opened by the action of the majority of the committee.

In my opinion that is a reasonable degree of disclosure. It is going to hurt some people. I know that. It will make some people unhappy. But I do not believe we could have done any less in view of what I think is perhaps the prevailing attitude in the country.

So with that, ladies and gentlemen, let us not try to rewrite this resolution on the floor. Twelve of us have worked our hearts out day after day after day, passing it back and forth, listening to everyone, and if we start putting something else in the resolution, the first thing you know it will really be something that will be honored in its breach.

Mr. Chairman, I do not think the resolution goes too far. I think it goes far enough. I thank you for listening.

Mr. PRICE of Illinois. Mr. Chairman, I yield 10 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I feel brave at this time following my colleague, the gentleman from Indiana, CHARLIE HALLECK. I feel that we should vote at this time. I think he fully discussed House Resolution 1099. I believe that he said eloquently those things that many of us would like to have been able to say.

Mr. Chairman, I do want to take the time to compliment our chairman, the gentleman from Illinois. He was patient, kind, considerate, and determined. Our chairman, Mr. PRICE of Illinois, was certainly determined to bring a report to you at the earliest date possible, and one which would be, we hoped, unanimously accepted by the House. I do want to thank the Members of the House for assigning me to this committee, and also the Speaker for placing his trust and faith in me. It was not an easy task, and I know that every member of this committee assumed the responsibility assigned to him.

Furthermore, I take this time to point out that a great deal of credit should be given to the staff of our committee because they were most efficient, most helpful, and worked diligently in order that we might bring this report to you today.

Mr. Chairman, I rise to add my voice in support of House Resolution 1099. The Committee on Standards of Official Conduct has, in my opinion, made a giant step toward the strengthening of our form of government and adding character, prestige, and dignity to this, the greatest representative body in the world.

I might add that I was extremely proud to have been chosen for membership on the committee, and I am very happy, and I hope that in some manner I contributed much to the report.

It is my belief that the committee report, if adopted, and the House resolution, if adopted, will go far toward allaying much of the unjustified and unwarranted criticism of the conduct of the House and of its Members. It will, by its very nature, tend at the same time to lay to rest such criticism and to serve as a deterrent to any Member who might be tempted to stray into courses of conduct which might even give rise to a suspicion of impropriety. It is a job well done.

While we all know that the integrity has been a matter of concern to the overwhelming majority of our national legislators since the founding of the Republic, the time seems to have arrived—in fact, it arrived some years ago—for an institutional means of keeping our house in order.

I believe the recommendations of our committee offer just such a vehicle—a vehicle that will serve not only to deal with the departures from rectitude as they occur, but also as a preventive and a protective device.

The committee is convinced that the very existence of a continuing Committee on Standards of Conduct, armed with the enforcement powers which we recommend, will serve as a deterrent to abuses of official positions or misconduct of any kind.

I would like to make note of two particular areas, however, which merit more detailed comment. In the first place, I think that the provisions with respect to the financial disclosure will be an admirable middleway. In the second place, however, I do think that the committee should have gone further in requiring disclosure from those of us who either themselves or whose partners practice before the Federal agencies.

As many of the Members are aware, I have constantly opposed any broad scale requirement for public disclosure of private finances on the grounds that such a requirement for broad scale and indiscriminate disclosure is an unfair and discriminatory invasion of private matter. However, the committee has chosen a wise solution, by requiring certain forms of public disclosure while keeping sealed and private—unless required for public purposes—the intimate details of Members' private and financial affairs.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentlewoman yield on that first point?

Mrs. KELLY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentlewoman.

This question of financial disclosure is one of concern to a great many of us. The gentlewoman has indicated her feeling that there should not be public disclosure, yet she seems to be endorsing the particular disclosure now being recommended.

As I understand it, and as I read the committee report, because no one on the committee has yet justified this proposal—and I am quoting from page 23 of the report—this is why there should be this disclosure:

> Some financial disclosure is necessary to equip the voters with enough information to make a proper judgment at the polls.

Just what is meant by that? In what way are voters going to be able to weigh the information that will be made available with respect to an individual Member of Congress? Does the gentlewoman feel the disclosure of assets required under this section will be of any value to the voters?

Mrs. KELLY. In answer to that, I frankly feel that it will not, for the simple reason that I feel that a Representative coming from any district must represent that district. If he comes from an agricultural district, he is going to represent the agricultural interests. From whatever district he represents, he is going to represent that particular district—or he will not be a Representative for long.

However, as I interpret it, my feeling on this particular instance is the disclosure which he is required to make public is only going to mention those interests, the particular financial interests of the Member, which might affect his legislative judgment and that which will be secret will be the actual dollar amount of such interests and will not be opened except under the procedures recommended. The gentleman from New Jersey is correct in saying that I was not in favor of public disclosure for reasons which I will discuss next.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentlewoman yield further?

Mrs. KELLY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. The gentleman from Indiana has said the amounts of assets would not be revealed, merely the sources.

Mrs. KELLY. That is correct.

Mr. FRELINGHUYSEN. What value would it be to reveal the sources of assets by a Member without revealing the amounts, if a Member is assumed to be influenced in his vote by what he hap-

pens to own? Does it not perhaps depend on the amount he owns, rather than the fact that he owns a variety of equities?

Mrs. KELLY. I believe that the gentleman's deduction is correct.

Mr. FRELINGHUYSEN. Does the gentlewoman have any way of enlightening us about the meaning of the language "any business entity doing a substantial business with the Federal Government?" Is there any standard we can apply to an individual equity investment so that we know whether a particular enterprise is doing a substantial business or is not? Or is this question simply left up to each individual to decide for himself?

Mrs. KELLY. I believe it is left up to the individual to decide for himself. The only official way the judgment of the Member filing can be questioned is through the investigative procedures of the committee. Of course, in doubtful cases an advisory opinion from this committee can always be requested in advance of filing.

Mr. ASPINALL. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Colorado.

Mr. ASPINALL. As was developed during the consideration of this legislation, the gentlewoman from New York and I were often on the same side. The gentlewoman did not mean, and I do not wish to be confined to those who do mean and do suggest that every person has his price and all we have to do is get to a certain amount and he is ready to sell out.

I consider that the Members of this body are not subject to selling their influence for any price. I have proceeded along that line with all my consideration having to do with standards of conduct.

The question of what is a "substantial amount" was, of course, explained very thoroughly by our colleague, the gentleman from Indiana [Mr. HALLECK], who made one of the finest talks I have heard on this floor for a long time. There just is no way of tying it down, and we have to realize this.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

Mr. PRICE of Illinois. Mr. Chairman, I yield the gentlewoman 5 additional minutes.

Mr. ASPINALL. There is no way of tying down anybody who is going to try to sell out his own self or sell out his colleagues or sell out his constituents. He will find a way to do it.

What we have to get here is a consensus. That is what we have arrived at so far as the report of the committee to the House is concerned.

Mrs. KELLY. Mr. Chairman, may I continue my statement, and then I will yield further.

My second area of concern is that the committee has perhaps not given adequate coverage to the problems arising from a Member or the partners of a Member practicing law before, or dealing with, the Federal agencies.

Subparagraph 2 of part A of recommendation IV merely requires that a Member report the name and address and type of practice of any professional organization from which he receives income of $1,000 or more. Subparagraph 2 of part B of recommendation IV requires that he disclose the amount of income received from such an organization. These requirements, however, do not address the problem arising where a Member is in partnership with a group of partners and where the same partners through a different partnership conduct an extensive business or practice with the Federal Government. The Member, of course, may not be a partner in this second partnership but his compensation in the first partnership may be directly related to the activities of the second partnership. Such a situation should not be permitted if a Member is in fact deriving economic benefit from practices before the Federal agencies of this sort.

I am not about to suggest that no partners of a Member should practice before the Federal Government, but only that this is one area where detailed disclosure—including financial disclosure—should be made. Such a relationship is not, per se, improper. Its concealment, however, would be.

I urge that the House take favorable action on the report.

Mr. Chairman, for a moment I should like to ask each Member to obtain a copy of the report, because I feel that in the report the highlights of the recommendations are expressed in the first two recommendations: Members should first conduct themselves at all times in a manner which shall reflect creditably on the House; and, second, adhere to the spirit and letter of the rules of the House and to the rules of duly constituted committee thereof. As far as I am concerned I would have rested there. I feel that they are like the two commandments, the first two commandments are the most important.

However, I believe your committee has been responsive both to the letter and the spirit of your assignment.

There was, as I said previously, a demand for action. As I have said, the task was difficult—and I agree with the gentleman from Indiana—we sought various sources for recommendations, but my shock is that the invitations extended to so many were declined or completely ignored.

I feel that the committee has performed admirably, and I believe it is a beginning. I am sure that revisions and recommended changes will be made.

I do want to make one further observation, and I believe that I am correct, in answering the gentleman from New Jersey when he raised the question—of what is involved in the reporting of a minor's income—he questioned what is "constructive control." As I understood "constructive control," I understood it to mean that any person reporting must possess such control that improper action from his legislative position could permit income to accrue to him or to that account either directly or indirectly.

Mr. HALLECK. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, there is little that need be added to what is embodied in the committee report and to what our able chairman, the gentleman from Illinois [Mr. PRICE], and our ranking minority member, the gentleman from Indiana [Mr. HALLECK], have said with respect to the pending resolution recommended by the Committee on Standards of Official Conduct. I shall confine myself to a few general observations.

First of all, I should like to acknowledge the debt we all owe to the gentleman from Illinois [Mr. PRICE] and the gentleman from Indiana [Mr. HALLECK] for the contribution they made, individually and jointly, to what our committee now recommends. We were indeed fortunate to have had at the head of our committee two gentlemen with long and distinguished service in the House, both of whom are knowledgeable in the many problems that confront those who serve here and endowed with that rare capacity to evaluate and arrive at wholly objective conclusions.

We all knew at the outset that to draw up a set of standards for official conduct of Members of Congress and their employees, and to devise a self-governing enforcement procedure, would not be an easy job. While honored to be selected as one of the 12 to undertake this difficult, delicate job, I would be less than honest not to say that I did not particularly relish assignment. In retrospect I consider it a privilege to have been on the committee.

No committee could have worked more diligently and with more painstaking care. As the printed hearings and our report disclose, every suggestion was considered. To make certain that nothing would be overlooked, a large number of invitations were sent to individuals in practically every field of endeavor, to testify or submit their recommendations. What we now present to you is our composite judgment. Our report is unanimous.

This is not to say that the committee's recommendations are precisely as each of us on the committee might offer in some one particular or other. For that matter the Constitution of the United States was not precisely as each delegate to the Philadelphia Convention wished it to read. But it has proven to be a living document, with sufficient rigidity to be meaningful and sufficient flexibility to be adaptable to any situation or circumstances. Our committee believes that our recommendation for self-government has these qualities. It is at the very least a foundation upon which to build as experience dictates.

We recognize that our recommendation will not be satisfactory to everyone in every respect. Some will say we went too far. Others will say we did not go far enough. But we do sincerely believe that we have presented to you a recommendation that is basically sound and fair.

In establishing standards of conduct for Members of Congress two fundamentals must be kept in mind. One is that the individual elected to the Congress is the choice of the people of his district. He speaks and acts for them. He is accountable to them. Every 2 years he submits himself to their scrutiny.

Great care must be exercised that a restriction placed on a Member does not transgress on self-government. The constitutional right of the Congress to pass on the qualifications of its own Members must necessarily have its limitations.

The second fundamental to be recognized is that the Congress has the constitutional right to determine its own rules. And this right, too, has its limitations. The rules are applicable only in connection with the operation of the Congress itself. Somehow a line must be drawn as between what is personal conduct and what is official conduct.

No such hard and fast line can be drawn. Our committee spent many hours discussing the various situations, that could arise where such a distinction would have to be made. We spent many hours discussing the meaning or possible interpretation of a single word.

I mention this simply to emphasize that what we are recommending constitutes our very best judgment arrived at only with this most painstaking care. The mere fact that there are some who will say we did not go far enough and others who will say we went too far bespeaks the balance which our committee sought to accomplish between a Member of Congress being accountable to his people and, at the same time, accountable to the House for his acts.

I believe our committee did a creditable job, and I hope the House will in full accept our recommendation as submitted to you.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Virginia.

Mr. SCOTT. I have two short questions, Mr. Chairman. One has to do with the meaning, under financial disclosure, of "principal assistants of Members."

Does this mean only one person in each Member's office, or just what does that mean?

Mr. ARENDS. This would be the highest salaried person in your office.

Mr. SCOTT. The expression "principal assistants" just applies to one person?

Mr. ARENDS. Yes, as I understand it.

Mr. SCOTT. Suppose we have further questions, to whom should we go in order to get the answers to those questions?

Mr. ARENDS. We talked about and debated that in the committee, but in such event one might wish to submit a letter to the committee asking for guidance in the particular case involved.

Mr. SCOTT. A letter to the chairman of the committee?

Mr. ARENDS. That is right.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BETTS].

Mr. BETTS. Mr. Chairman, I question whether anything more need be said after the explanation of the bill which has been given by our distinguished chairman, and by the ranking minority Member, the gentleman from Indiana [Mr. HALLECK]. I certainly want to join with the other members of the committee who have paid tribute to them. I believe I would be remiss if I did not add to that the fact that I feel a sense of pride and satisfaction in being asked or permitted to serve on this committee, because I believe that this is truly an historic occasion.

I do believe that a couple of general observations ought to be made.

The significance of this code is that over months of deliberation we considered every possible provision that could have been written into it.

If each member of the committee were to write a code of ethics there would probably be 12 different codes.

On the contrary, this one represents not only the combined thinking of the entire committee but also represents some significant contribution by each individual member.

Also it represents the command of the House by a unanimous vote to produce a code. No one could sit on this committee and feel that we would have met that responsibility by producing a code that would have been useless or ineffective. On the other hand we felt that we could not come forth with a set of rules that would have been so harsh that it would have been rejected. In other words, the committee felt obligated to write a code that would be moderate and acceptable to the greatest number. There may be some arguments that this is not the proper approach. But after long hours of deliberation, we felt this was the only sensible approach and I hope the House will agree. Furthermore, this need not be the final product. After a period of time during which it has been put to the test, it certainly can be changed if it is found wanting in any respect. But if there is to be a beginning there is every reason why we should begin with this code intact.

Finally, it is a bipartisan product. Not the slightest trace of partisanship entered into the formulation of it. After it was drafted, it was presented to the leadership of both parties—not separately, but together with ranking members of the committee and the leadership approved it.

For these reasons, I feel it represents a product which deserves acceptance by the House. While we recognize the propriety of considering amendments and have, I think, rightly requested an open rule, we are prepared to defend it in its entirety and ask that it be adopted without amendment.

Mr. BUSH. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Texas [Mr. BUSH].

Mr. BUSH. I thank the gentleman for yielding.

I would like to commend my distinguished colleague for his comments, and the chairman of the committee, and the ranking minority member of the committee, and I would like to agree with the gentleman from Ohio that I hope that the discussion before the House will be open.

Mr. Chairman, no one likes the embarrassment of disclosing his personal finances. No one likes the discussion and publicity attached to such a disclosure. But let us be realistic—there is a distrust of public officials among some of the voters—in some very few cases this distrust has been merited, but one thing I am convinced of is the total integrity of the vast majority of Members of Congress. The only way to disprove this lack of faith where it exists is to keep the public as fully informed as possible. Though the bill I introduced went further, I strongly support the committee's provisions on disclosures.

Is not what we are really worried about the effect these disclosures will have on our reputations and our political futures? Last year I disclosed my personal finances and I intend to do so again this year. What has the reaction been?

On the whole it has been most favorable. The disclosure of my personal finances was treated with headlines by the press and while this may not have been ideal for me personally, it certainly accomplished the objective in that the people of my district know what my financial condition is and where the money comes from. They know if there is a conflict of interest or not. I believe my constituents want to know this and I believe they have a right to know. The mail I have received has been understanding and complimentary to me personally. I believe it has enhanced my credibility in my district.

As to the revelation I made yesterday on funds used on office expenses, while it is too early to get a public reaction, the reaction of the press in Houston has been extremely good. The reason for this is I believe my insistence and the insistence of those maintaining the fund that these moneys be separate and distinct from my personal control and use. This distinction is imperative in any code adopted for the use of such funds by this House.

A real problem with these funds is that someone who has something to gain by causing embarrassment to an elected official will come across a letter of solicitation and will proceed to make a mountain out of a molehill. There is nothing wrong with these funds if the existence is known and if a ceiling is placed on the amounts allowed to be contributed by one individual.

As I stated yesterday I think that the Committee on Standards of Official Conduct should consider these funds and should come up with some recommendations for their disclosure. Frankly, I considered offering an amendment calling for disclosure, I would vote for one presented from the floor, but I think the best approach would be for the committee to hold hearings and give the matter the benefit of its members' discussion. If this happens, I am convinced we will be asked later to vote on disclosure of such funds.

I want to commend the Committee on Standards of Official Conduct for the excellent job they did. They had a most controversial area in which to work and they came out with good recommendations, which while not exactly as I would have wished, are effective and a beginning in the right direction.

Mr. BETTS. I would like to say to the gentleman that I am sure that he and the other Members who are, I believe, associated with him as freshman Members, trying to formulate some rules of ethics, made a great contribution, and I am sure the committee is indebted to them.

Mr. BUSH. I thank the gentleman.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New York.

Mr. CONABLE. I commend the committee as well, but I think as a standard of disclosure this resolution is something

that needs a little further spelling out. I would like to ask the gentleman if it is possible for a Member to own a stock listed on the New York Stock Exchange without having to disclose it. It seems that all such companies large enough to be so listed do a substantial business with the Government, or they are subject to regulation by a Federal agency. Therefore, as a protection to myself, as one of the many Members who have invested savings in common stocks in the past, I would like to know what the standard is. Must we disclose ownership of all shares listed on the New York Stock Exchange, the shares of companies large enough to be so listed?

Mr. BETTS. In answer to the gentleman's question, let me say that all of this is in a gray area. It is neither black nor white. We have debated this subject for hours and hours in the committee. This is the nearest I can answer that question: Practically every investment you make which is listed on the stock exchange would necessarily have to be listed here.

Mr. CONABLE. In other words, any equity ownership of stock listed on the New York Stock Exchange must be listed; however, as I read the resolution, it would not require the listing of the ownership of municipal bonds. These are not subject to disclosure because they are fixed-income securities. Is that correct?

Mr. BETTS. Well, the difference, of course, is whether or not the company is subject to regulation by the Government or whether it does business with the Government.

Mr. CONABLE. Any municipality does business with the Government.

Mr. BETTS. Let me further answer the gentleman by saying I do not think any member of the committee is prepared, or even a member of the staff is prepared categorically to answer specifically every question that is put to it.

For that reason I wish to repeat what I think the ranking Member on our side and the gentleman from Illinois [Mr. ARENDS] said. That is the reason we have provided for the right of any Member to ask for an opinion of the committee. I have answered generally what I think is true, what I personally think; after the permanent committee is set up, if the gentleman has any question about it, he can send a letter to the committee and, hopefully—I am sure the permanent committee will be glad to consider the question from every angle and render an opinion thereon for the guidance of the Member.

Mr. CONABLE. Would it be fair to say that at this point the committee has no real standard for disclosure of common stock ownership?

Mr. BETTS. At this point it has not.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I would still like to know from any member of the committee what is the rationalization for public disclosure. Will the gentleman describe briefly what is to be accomplished by the disclosure?

Mr. BETTS. I think probably every member of the committee has a different idea, but I will try to explain as best I can what I think is the reason that the committee placed this provision in the code.

First, there was a command on the part of the House for a code of ethics. I believe that all presentations of proposed codes of ethics included some form of disclosure. The letters that were sent to the members of the committee and the Members of the House dwelt upon disclosure. The press dwelt upon the necessity for disclosure. The demand was so great I believe the committee had to take some consideration of it.

I think, as a result, in considering the effects of harsh rules or effective rules, we tried to come up with a moderate rule, which is right down the center, and that is the explanation of this provision in the resolution.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentleman will yield further, I might say in 16 years as a Member of this House, no individual Member has ever asked me what my particular assets were, on the basis particularly that they needed this information before deciding whether they would vote for me or against me, and I have had no request to submit such a list to anyone.

Mr. BETTS. I would be glad to talk with the gentleman on that at any time.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, today I hope to witness the successful culmination of more than 3 years of effort to have the House of Representatives adopt meaningful guidelines as to how its Members and employees shall conduct themselves.

When I first introduced legislation in January of 1965 to establish a code of ethics for the House of Representatives, I did so because of the pride I have in this great legislative body and the meaning I attach to being chosen by the people of my State to be a Member of this body. Each of you feels the same way.

My pride in the House of Representatives and sense of responsibility to those I represent is no less today.

Having served on both the Select Committee on Standards and Conduct in the 89th Congress and the present Committee on Standards of Official Conduct, which brings this resolution to you today, I am deeply impressed by the high standards of my colleagues in their conduct of duty with respect to the affairs of this Nation.

But our own self-adulation is not relevant today.

When one case of human frailty evidences itself in a single member, it is no longer relevant to satisfy ourselves that the rest of us are honorable.

What is relevant is the need for this legislative body as a whole to have the full trust and confidence of the American electorate.

Our people—and especially our young people—cry out for an outlet where they can place this trust and confidence.

I hope, for all our sakes, that they can find this outlet in the U.S. Government—their Government—and what better place to start than that body which is closest to the will of the people—the House of Representatives.

I am not so naive as to presume what we recommend here today will insure the credibility of all our actions—either as a body or as individuals.

I am relatively sure, however, that if we fail to adopt meaningful standards for official conduct, together with the mechanism for enforcing these standards, we will add measurably to the mistrust, the lack of confidence, the cynicism which already prevails to too great a degree in our land today.

I am reasonably sure, also—as sure certainly as I have been about anything during the last few weeks—that what is being recommended to you today is a meaningful, workable, practical, and enforceable code of standards for members and employees of the House of Representatives.

As has been stated, it is not a full and final answer.

It is, however, a responsible work of compromise—a responsible beginning.

It is my strong belief that we, as Members of the House, are entitled to official guidelines as to our conduct. As the committee report of March 14 stressed, one of the most valuable functions a permanent committee could perform is to counsel Members, officers, or employees with respect to the general propriety of any current or proposed conduct.

But, Mr. Chairman, let me emphasize again in closing, to help insure the confidence of the American people in the integrity of the Congress—this is our purpose, for without the confidence of its collective constituency, the House of Representatives will not be able to carry out its constitutional responsibilities—and our system of government will fall.

We must act to preserve this confidence—this system of government. Let us do so now.

Mr. Chairman, it has been a great pleasure to serve on this completely bipartisan committee. I believe that with advisory opinions which the committee can furnish to Members, with the commonsense which I believe the committee will possess in administering this code of conduct, with the body of precedents which can be established as we go forward to make sure that this code does work on a realistic basis, we will have a workable code to help guide us and to enlighten the public. No doubt we may find that in the future some changes in it are necessary, but it is a sound code to serve as a point of beginning.

Mr. Chairman, I urgently hope that this House will adopt the code as we have recommended it.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman for yielding.

I take this opportunity to commend the gentleman from Vermont [Mr. STAFFORD] and the gentleman from Indiana [Mr. HALLECK] and the gentleman from Illinois [Mr. PRICE] and the other members of the committee for the outstanding job they have done to bring before the committee this report and this proposal.

As the gentleman from Vermont knows, I testified before the committee. Even though the proposal does not include all the suggestions I made in the testimony before the committee, I feel it is a worthwhile, effective, and meaningful proposal and I intend to support it.

Mr. Chairman, this is a historic day for the House of Representatives. After we created the Committee on Standards of Official Conduct only last year, this responsible group has drawn up a creditable set of rules of conduct and procedure for Members of the House and their staffs.

As an early sponsor of the resolution which set up this committee, and as one who testified at length before it last year, I am proud to support the result of its work. The code of conduct and requirements for financial disclosure included in House Resolution 1099 are both firm and fair. They afford a necessary public window on the conduct and financial dealings of Members of Congress and key staff members, and they protect those aspects of our financial and political lives which are rightfully personal or private.

Mr. Chairman, if the 12 members of this committee can be viewed as examples for future membership on this important panel, then the public and the House of Representatives can be assured of fair and effective enforcement of the principles and requirements contained in the code of official conduct before us today.

I want to take the opportunity at this point, Mr. Chairman, to set out briefly the highlights of this code:

Establishment of the present Committee on Standards of Official Conduct as a permanent standing committee of the House with powers to enforce standards of conduct hereinafter proposed.

Public disclosure of certain assets, income gifts, and so forth; private filing of more detailed information which could be made public in event of an investigation.

Modernization of the Federal Corrupt Practices Act to bring about stricter management of political finances.

Clearer guidelines for use of so-called counterpart funds and reporting of expenditures thereof.

Adoption of the following code of official conduct—the language in this presentation is condensed for the sake of brevity:

Members, officers, and employees of the House of Representatives shall—

1. Conduct themselves at all times in a manner which shall reflect creditably on the House.

2. Adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.

3. Receive no compensation nor permit any to accrue to their beneficial interest, the receipt of which would occur by virtue of influence improperly exerted from their positions in the Congress.

4. Accept no gifts of substantial value from any person, organization, or corporation having a direct interest in legislation before the Congress.

5. Accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. Keep campaign funds separate from personal funds. No campaign funds shall be converted to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures.

7. Treat as campaign contributions all proceeds from testimonial or other fundraising event if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

8. Retain no one from their clerk-hire allowance who does not perform duties commensurate with the compensation he receives.

Mr. Chairman, I pledge that both the letter and spirit of this code will be followed daily, by myself and members of my staff, as we continue to serve the 36th District of New York.

The adoption of rules and guidelines for the House is long overdue, and I am proud to have a part in it.

Mr. STAFFORD. I appreciate the remarks by the gentleman from New York.

Mr. HALLECK. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Chairman, first I wish to pay tribute to the members of the committee who worked so hard and long in their deliberations on the matter before them, and for the final end result.

Mr. Chairman, it is a pleasure for me to rise in support of House Resolution 1099, for it is the culmination of many, many months of deliberation by the Committee on Standards of Official Conduct, of which I am a member.

I have long advocated a code of ethics for Members, officers, and employees of the House of Representatives, and it has been my privilege to have a part in the development of the legislation we are considering today.

Back in the 89th Congress, I actively supported such legislation, and I was a member of the subcommittee of the House Rules Committee, which prepared a committee substitute for the resolution originally introduced by the distinguished gentleman from Florida [Mr. BENNETT].

Early in the first session of the 90th Congress, I introduced House Resolution 133 to establish a Select Committee on Standards and Conduct, and again I was active in support of the measure in the Rules Committee.

When the Committee on Standards of Official Conduct was created on April 13, 1967, I was honored to be selected as one of its 12 members.

The following 11 months were busy ones indeed, as we on the committee attempted to develop a practical code of conduct, and on March 14, 1968, our recommendations were made public.

I am sure that the Members of the House recognized that the task of the Committee on Standards of Official Conduct has not been an easy one, but I believe we have come up with a set of recommendations which, if accepted, will provide a means of keeping our House in order.

I believe these proposals will serve not only to deal with infractions but also as a preventive and protective device. I am convinced that the very existence of a continuing Committee on Standards of Conduct will act as a deterrent to abuses of official positions or misconduct of any kind. I believe our eight-point code of official conduct provides the flexibility to deal with almost any situation that could arise to trouble the House.

I am not going to burden you with a mass of detail concerning our recommendations, but I should like to call particular attention to the committee's proposed advisory authority. Under this provision, the committee would be empowered to advise Members, officers, and employees, at their request, concerning current or contemplated acts. I believe this kind of advisory service could become one of the committee's most valuable functions, that it would arm the House with a valuable weapon for prevention of questionable conduct. It would amount to an early warning system.

The resolution spells out specific limitations on the committee's authority. These limitations would provide adequate safeguards, I feel, against "witch hunts," reckless investigations, the serving of ulterior motives, and other possible abuses.

The committee's recommended code of official conduct, which would be written into the rules of the House, is designed to combat conflicts of interest and prevent abuses in other areas, such as in the acceptance of gifts and honoraria, handling of campaign funds and proceeds from testimonial affairs, use of clerk-hire allowances, and so on.

The proposal for financial disclosure is separate and apart from the code proper. I believe that the system of financial disclosure upon which we eventually settled will provide all of the essential information needed for any appraisal of possible conflicts of interest.

Of course, no set of standards or principles can be made fully effective without enforcement machinery. So the committee is recommending that it be armed with such machinery. Enforcement, however, is a poor substitute for prevention or deterrence, and for that reason I called attention earlier to the provision under which a Member, officer, or employee could seek the committee's advice in a given situation.

With respect to the recommendation for making this committee a permanent committee of the House, I believe this would be definitely advantageous for the purposes of continuity and orderliness.

As one who was privileged to serve with such notable colleagues on this truly nonpartisan effort, I can say that the recommendations were made in the firm conviction that they would provide for standards that would be workable, standards with which the House could live, and standards that will bring esteem to the House of Representatives.

Our committee does not pretend that its recommendations wear any cloak of perfection. We are well aware that our proposals may require revision as experience points the way. But I feel very strongly that adoption of our recommendations will forge a sound beginning toward the orderly establishment and maintenance of high standards of conduct and performance.

In summary, the committee would have legislative, advisory, investigative and enforcement powers, all confined to the

realm of the pending resolution. None of the proposed powers would be gained at the expense of any other committee, and all are aimed at making the House the true judge of its own membership.

I respectfully urge my colleagues to support this measure without amendments.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may require to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I take this opportunity to remind my colleagues that what we have before us today, the proposed code of ethics for our body, is an important step, but only one step, toward a more effective internal organization for the House of Representatives.

I have had a long and intimate interest in congressional ethics. As early as 1965, I placed in the CONGRESSIONAL RECORD a detailed record of the current statutes and regulations applicable to the behavior of Members of Congress. On the Joint Committee on the Organization of the Congress, I recommended that the House form a Committee on Ethics. I endorsed the creation of the Committee on Standards of Official Conduct, and I will now support its recommendations.

But I want it clearly understood that in giving my support to this resolution, I do not for a moment subscribe to the notion that Congress is lacking in integrity or wallowing in immorality. It is not. It has not during my service here. It is my fervent hope that our concern with the conduct and responsibilities of Members of Congress will not be misunderstood by the American people or misinterpreted by the American press.

I support this code of ethics, and I applaud the Senate for adopting one of its own, because I want the public to have complete confidence in the integrity of the legislative process. I will support every step that contributes to the building of that confidence.

That is why I want to point out to my colleagues that congressional ethics, while it commands a great deal of public attention, is no more important to the integrity of our legislature than a host of other reforms embodied in the pending Legislative Reorganization Act. That act passed the Senate last March. Since that date, it has been languishing in the Committee on Rules.

Mr. Chairman, I urge the leadership and the Members of this great body to exert every effort to have the Committee on Rules report a meaningful version of that act to this House for action.

I repeat, the measure has been in this House a full year. Everyone has had the opportunity to study it. At various times, the staff of the joint committee, under the direction of our dedicated cochairman, the distinguished gentleman from Indiana [Mr. MADDEN], utilizing the resources of the Legislative Reference Service and experts in the Office of the Legislative Counsel, have redrafted, reanalyzed, synthesized, and refashioned the bill in an effort to meet legitimate objections to it. We, on the joint committee, have done our best to provide full understanding of its provisions.

There is absolutely no excuse for any further delay in bringing to this body a full and formal consideration of the Reorganization Act. By adopting a code of ethics, we will be carrying out only a small part of the larger task. I support this code. I urge you to support that larger task, the completion of our efforts to bring meaningful reform to the legislative process.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Chairman, we are now at "the moment of truth." We have been presented with an excellent set of recommendations respecting standards of official conduct for Members of this body. We owe an immense debt of gratitude to the diligent members of the Committee on Standards of Official Conduct, and in particular to the chairman of that committee, the Honorable MELVIN PRICE. After holding public hearings last fall and deliberating for several months on the exact nature of a code of conduct for Members of the House, the committee issued its report on March 14, 1968. We are now called upon to debate and vote on House Resolution 1099, which will implement the recommendations contained in the committee's report.

We are a body of 435 legislators with differing philosophical and party persuasions. It is inevitable that there will be differing opinions regarding the appropriateness, the thoroughness, the fairness, and the rectitude of the several recommendations made by the committee. For myself, I could not be happier with the committee's product. It is judicious and reflects the prudence of those who shaped it. I commend the chairman and other committee members for this contribution. And I would remind my colleagues that the recommendations contained in House Resolution 1099 have earned plaudits from the press and have been compared most favorably with the recommendations adopted in the other Chamber.

Mr. Chairman, on one recommendation there should be no dissent. That recommendation empowers the Committee on Standards of Official Conduct to sit as a permanent committee of the House. There are compelling reasons why this should be so.

First, the committee is composed of six members of the majority party and six members of the minority party. In that respect it is unique in this House. This equality of party representation on the committee guarantees that any investigations, opinions, recommendations, or reports which issue from the committee will not reflect the prejudice or bias of the majority party in the House. At least one member of either the majority or the minority party must join with six members of either the majority or the minority party before any action can be taken by the committee. This safeguard against domination by one party on the committee a fortiori recommends empowering it to sit as a permanent committee.

Second, the members of the committee have spent the past year considering and constructing the standards contained in House Resolution 1099. They are thoroughly familiar with the complexities of ethical problems which confront Members of the House. Accordingly, they are best qualified to judge and to implement a set of standards adopted now and to make further recommendations in the future. It would be the sheerest nonsense to disband this committee.

Third, the American public will be reassured by continuation of the committee and deeply perplexed if the House were to disband it. Surely the last thing we want to do is weaken public confidence in the Congress.

Fourth, it is imperative that some committee be charged with oversight and investigative duties in respect to any set of standards adopted by the House. The three reasons I have already stated lead to no other conclusion than to empower the present committee with these functions. I must stress, and I am sure that the whole House concurs in this, that it would be preposterous to adopt standards of conduct unless an enforcing body is also created to investigate behavior contravening those standards.

Mr. Chairman, it is not my purpose in speaking today to comment at length on the various standards contained in House Resolution 1099. These have been ably explained and defended by my friend and colleague from Illinois, MELVIN PRICE. I am prepared to vote for their adoption.

I would say only this in conclusion: There is nothing in these standards which we have to fear. They do not reflect adversely on any Member's character nor unnecessarily intrude upon our privacy. When a person seeks public office, he must pay a price. Those who elect him expect faithful and good service. The adoption of the standards in House Resolution 1099 will permit our constituencies to judge us concerning possible conflict of interest. There is no reason why they should be prohibited from this or from knowledge which enables them to make such judgments.

Mr. Chairman, the adoption of these standards—and the establishment of a permanent, bipartisan Committee on Standards of Official Conduct—will serve us and our House well.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may require to the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS of Tennessee. Mr. Chairman, I want to associate myself with the remarks and statement of the chairman of the Select Committee on Standards of Official Conduct, the gentleman from Illinois [Mr. PRICE], who has made an outstanding summary and report of the work of our committee.

I want to commend the gentleman from Illinois and the gentleman from Indiana [Mr. HALLECK], the cochairman of the Committee on Standards of Official Conduct, and the committee members for their dedication and perseverance in the task of preparing a code of ethics to guide and direct the conduct of Members of the House.

The gentleman from Illinois has presented the facts with his discussion of the genesis and development of the work of the committee. He has outlined the

history of the committee—its accomplishments—its recommendations—its goals and objectives.

Every member of the committee participated in the drafting of this recommended code of ethics. Every member drew upon his knowledge and experience to make a meaningful contribution to this necessary and essential work. This code is a product of much thought, deliberation, and discussion. This code has been refined in the crucible of debate and searching examination and study.

Certainly this code is worthy of adoption and, as our report indicates, we recommend that a permanent Committee on Standards of Official Conduct be established for the House. Certainly this recommended code does not represent the final, complete, and perfect solution to problems confronting the House, but it is a meaningful step in the right direction. This code will serve as a guide for the conduct of the Members and an index for the people to measure the conduct of their Representatives.

This code of ethics will also serve as a symbol of the integrity of the Congress. It will provide a uniform standard for our Members and prevent the tearing down of the institution of Congress.

The stature, integrity, and prestige of the legislative branch of Government must be maintained, and I urge adoption of the pending resolution.

Mr. PRICE of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I wish to commend all of the other members of the Committee on Standards of Official Conduct, or Committee on Ethics, as it is commonly known, for the fine work that they have done, and especialy do I commend the gentleman from Illinois, the chairman of the committee [Mr. PRICE] and the gentleman from Indiana, the ranking minority member [Mr. HALLECK].

Mr. Chairman, I do not intend to go into the technicalities of the legislation, because I think that has been pretty well covered. I do wish to say that I wholeheartedly support the present resolution that is before us. I realize full well that many brains may come up with some new information and new suggestions that would be worthwhile. I take no exception to anyone endeavoring to do that. But I think we have fully well covered the entire field as far as the welfare of the House and its Members are concerned.

Mr. Chairman, a Member of Congress answers, first, to his own conscience—we cannot legislate on that; second, he answers to his constituents, and that is pretty well taken care of in general law; third, he answers to his duly chosen colleagues—here, of course, is the reason why we have this particular resolution before us at this time; fourth, he answers all too often to an ambitious and uninformed news media. I suppose more than anything else this is the reason why this legislation is before us now. This House has during my tenure here pretty well taken care of its in-house duties. They have done it very well—and they have done it during this session.

Mr. Chairman, oftentimes I was in the minority in the discussion and in the consideration of the principles and policies that were discussed during the activities of the present committee.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. PRICE of Illinois. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ASPINALL. The resolution now before us, of course, is a conscientious compromise of many honest and differing opinions and it must be accepted and rejected largely on that basis.

No Member can put himself in the pattern and within the cloth of another Member. The best we can do is to gather on common ground. This legislation is not going to make an honest Member more honest. It is not going to make a dishonest Member, if there be any amongst us, honest. But it does establish an honest set of standards by which we can all be knowingly protected and guided, and a standard by which we can knowingly advise our constituents. Let it be known now that this does not prohibit any Member from publicizing any additional information that he may wish to publicize before his own constituency for any legal purposes whatsoever. If he wants to be considered, perhaps, more open and above board than he feels some of his fellow Members are, he can do it. This resolution does not prohibit that procedure. However it is a common ground upon which we can all meet.

As I said at the start if my remarks, I support the legislation.

Mr. HALLECK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Massachusetts [Mrs. HECKLER].

Mrs. HECKLER of Massachusetts. Mr. Chairman, as a new Member, I was impressed with the urgent need for the formulation of a code of ethics. I commend the committee for their performance of this important duty.

Mr. HALLECK. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I rise in support of this resolution.

On April 13, 1967, the House adopted House Resolution 418 to establish a bipartisan committee of 12 members, six Democrats and six Republicans, "to recommend as soon as practicable to the House of Representatives such changes in laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House."

The Committee on Standards of Official Conduct, thus established, has presented a resolution for adoption by this House.

Basically, it establishes rules of conduct for Members of Congress as follows:

First. Conduct themselves at all times in a manner which shall reflect creditably on the House.

Second. Adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.

Third. Receive no compensation nor permit any to accrue to their beneficial interest, the receipt of which would occur by virtue of influence improperly exerted from their positions in the Congress.

Fourth. Accept no gifts of substantial value from any person, organization, or corporation having a direct interest in legislation before the Congress.

Fifth. Accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

Sixth. Keep campaign funds separate from personal funds. No campaign funds shall be converted to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures.

Seventh. Treat as campaign contributions all proceeds from testimonial or other fundraising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

Eighth. Retain no one from their clerk-hire allowance who does not perform duties commensurate with the compensation he receives.

It seems to me that the committee has done an excellent job in response to the resolution which clearly demonstrated a need for concern. The 90th Congress had a responsibility to establish guidelines for the conduct of Members of Congress and to set up a procedure for carrying out a code of official conduct.

The resolution establishes a permanent standing committee of 12 members which will have powers to establish and enforce standards of conduct for Members of the House of Representatives.

My interest in such legislation started when I was a member of the Ohio House of Representatives, where I sponsored a bill which would have established a code of ethics for the Ohio General Assembly. It seems to me highly desirable that a code of ethics can be established for Members of the Congress so that all will know the standards required and the consequences of violating these standards. Such action will be well received by the public and will make the public have more confidence in Congress.

Mr. HALLECK. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, I would like to take this opportunity to commend the fine and diligent efforts of the members of the Committee of Standards of Official Conduct and to offer my wholehearted support of House Resolution 1099, being considered today. This resolution proposes to make that body a permanent, standing committee of the House and to adopt a code of official conduct.

The work product of the committee is notable. It has produced a set of rules which is both a constructive step toward the deterrence and elimination of conflicts of interest; as well as a guide to ethical practices, responsive to the needs and functioning of elected officials in a representative form of government.

There is a particular need for establishing such standards in these times when events are uncertain and solutions

difficult. The public should be able to feel confident that its representatives are guided by and responsive to those needs which are best for the Nation, not for any person's advantage. Correspondingly, there is a need to avoid action which would unnecessarily repress Representatives in Congress who are the extended voice of their constituents.

To combine these considerations and to meet these needs is no easy task. The committee has proceeded in a fashion so as to take advantage of the best of applicable standards available and has molded them to apply in a unique setting. The workability of what has evolved remains to be tested. I am hopeful that this step will make it possible to eliminate conflict of interest as far as Members of Congress are concerned and in legislation that is considered.

Only by both adopting this code and by making the Committee on Official Standards a permanent and standing committee of the House can proper and meaningful initial steps be taken to assure continued public confidence in this system as it attempts to solve the problems confronting the Nation.

Mr. HALLECK. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, last year I sponsored a resolution calling for establishment of the 12-member Committee on Standards and Conduct which has submitted for consideration today this legislation to make this a permanent committee. The adoption of this resolution will enable the House to make important strides toward the creation of a code of ethics and conduct.

The report of the committee, which represents a year of thorough study, recommends establishment of the present Committee on Standards of Official Conduct as a permanent standing committee of the House with powers to enforce standards of conduct. Recommendations also provide for public disclosure by Members of the House and their top employees of certain financial interests and the sources of certain outside income; and provisions also are outlined for handling and use of campaign funds. Of equal importance, the committee has recommended adoption of an eight-point code of official conduct.

In general, the recommendations represent an important step in the right direction. They will contribute to improving the conduct of public business in the Congress.

Mr. Chairman, I commend the committee for the meaningful progress which it has made on this important matter and I join in supporting this resolution.

Mr. HALLECK. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman from Indiana for yielding. There is no doubt in my mind that there is a definite need for this legislation. Anyone who is halfway tuned in on what the public is thinking knows full well that the public has a strong contempt for elected officials in general. In my opinion, it comes very close to cynicism. This is dangerous. The public must trust the Government for if it does not, lack of respect for law and order commences and apathy adds to the difficulties in self-government.

Some of this cynicism comes from the lack of credibility in our administration leaders. The public is told there will be no bombings and large troop commitments to Vietnam and then we have them. The public is told that the draft quota will be lowered and then it is raised. There is a definite credibility gap.

The Bobby Bakers, the testimonial dinner perversions, and the other shenanigans in high places have led many Americans to be cynical about the honesty of their public servants. This legislation will be some step in the right direction in correcting these past abuses and I heartily support it. I brought many of the questionable practices of Adam Clayton Powell to the attention of this House 5 years ago. In some small way, this helped move us in the direction of the action we are taking today.

I am well aware that in doing this we subject ourselves to standards which should not be necessary. I have never felt it necessary for anyone to prove his honesty. You find out about it sooner or later. This is a small price to pay, however, for the privilege of being a Member of Congress. I am reminded of the professor who wrote me last fall and urged my support of full financial disclosure and so forth. I answered that I would go half way with him. My three daughters are going to college in the near future. He was concerned how his representative voted and whether there was any conflict of interest. I answered that I would be equally interested in knowing whether or not my daughters would, when they become college students, have professors who were LSD devotees, hippies, and imbued with questionable political principles. I would like to be just as sure when I entrust my children to his care as he wants to be when he entrusts the great duties of our office to people such as myself.

The answer is simple. You cannot legislate morality. I can never be sure of how my daughters will be educated and he can never really be sure of what processes go on in the legislative arena. This bill, for our part anyway, would at least put up a few guideposts to help along the way. Now, if they would work up a code for colleges—and, Mr. Chairman, I think we all agree they have a very sacred trust, too—I would feel as safe as he should be able to feel when this measure is adopted.

Mr. HALLECK. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WILLIAMS].

Mr. WILLIAMS of Pennsylvania. Mr. Chairman, it has been a very real pleasure for me to have had the privilege of serving on the Committee on Standards of Official Conduct. This committee was given a most difficult assignment and it soon became apparent that the committee members, under the most able direction of Chairman MELVIN PRICE and the ranking minority member, Mr. CHARLES HALLECK, were determined to fully carry out the assignment which was given to them in House Resolution 418, which was passed by the House on April 13, 1967. Every member of the committee did an outstanding job and working with them was a rewarding experience.

I strongly urge the adoption of House Resolution 1099 which will put into effect the recommendations of the Committee on Standards of Official Conduct. The recommendations and the rules of official conduct recommended by the committee are meaningful and provide a code for the guidance of all Members. In addition, the provisions of House Resolution 1099 will adequately protect individual Members and the House from embarrassment over inadvertent or willful wrongdoing on the part of any Member.

The provisions of this resolution will also give protection to Members who are falsely accused of wrongdoing. A prompt investigation of false accusations by the committee will result in these accusations being proven to be false and, thereby, exonerating the Member from the stigma of false charges.

The recommendation that the Committee on Standards of Official Conduct be made a permanent standing committee of the House will pinpoint the responsibility for taking action against any Member who is doing something wrong. Had this responsibility been so pinpointed in the past, more prompt action would have been taken against Members whose wrongdoing had been widely publicized and whose actions were a reflection on all members of the House.

The procedures recommended by the committee for bringing charges against any Member requires that the charges must be made under oath. Thus, anyone bringing false charges against a Member is libel to prosecution. It is further provided that the committee may undertake investigations on its own initiative so that obvious violations of the code or the rules of the House can be dealt with by the standing committee.

The committee labored long and hard over the provisions calling for financial disclosure. I believe the committee recommendation which calls for limited public financial disclosure, with more complete private, confidential disclosure, gives the Members the greatest protection without subjecting them to the role of second-class citizens or, in effect, placing them in a goldfish bowl.

As stated in the committee report, the committee does not regard its recommendations as the final word on this subject. However, it does represent an excellent starting point and the code can be changed anytime that experience shows that a change is desirable.

I urge your support of House Resolution 1099.

Mr. HALLECK. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to begin by paying tribute to the members of this committee for their efforts in producing a code of conduct. I would like to say that I am very much in favor of the establishment of a permanent committee with responsibilities in this area. I am very much in favor of appropriate rules to insure the proper conduct of Members of the Congress.

However, I would like to add that I

plan to vote against this resolution. I shall do so because I am very much opposed to the proposed partial financial disclosure provisions of this bill. Quite frankly, I am appalled at the fact that we have been discussing this very significant proposal for over an hour and a half with no discussion, and no legislative record, as to just what is meant by the language which we are incorporating into the rules of the House.

As an example, I have been trying over a period of an hour and a half to find out just what would be required of a Member if he should submit to the necessity of providing this kind of information:

> The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting.

What, may I ask—and I ask this of any member of the committee—is meant by that? Is it necessary for the interest of a child, minor or adult, to be included among the assets to be reported by a Member? Is it necessary to include trust assets that a Member might have in trust for someone, either a member of his immediate family, or a nephew or a niece, or someone outside the family?

No record has been established on this point at all. The least we should do is to give indication of what is meant by what has been described by the chairman of this committee as "admittedly flexible language."

Furthermore, what does the language mean with respect to the kind of disclosure that must be made? "Any business entity"? What does that mean? Does that mean that a farm owned by a Member must be included if it produces an income of over $5,000 a year?

What does "doing a substantial business with the Federal Government" mean?

Is there any reasonable test by which we could tell whether a company that sells stock is doing substantial business? Is it going to be the responsibility of the permanent committee, to set up a list identifying which companies must be listed, and which need not?

Further, what entity is subject to Federal regulatory agencies? Would that automatically include any company listed on the stock exchange?

All these questions need to be answered.

Let me ask an even more fundamental question:

What is the purpose to be served by the public disclosure? Let me say that I would tomorrow, if my return were ready, be glad to submit my income tax return to any Member of this body if he felt it would be of advantage in determining whether or not I had some kind of conflict of interest, or have in some way not voted properly. However, I see nothing to be gained by the proposed public indication of where a Member's financial interests lie.

It is stated in the report that disclosure is presumably to prevent some kind of conflict of interest. This would, it is argued, give the voters an opportunity to know whether such a conflict of interest exists, and if one did exist, perhaps they would not vote to put a Member back into office.

Let me ask, for example, if a Representative from Oklahoma or Texas had an interest in an oil company, would he be prevented from voting on a question involving oil because it might be a conflict of interest? Or would it in fact be necessary for him to vote, regardless of his holding, because of the nature of his congressional district?

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Oklahoma, the majority leader. I was hoping that a member of the committee would answer some of these questions which I consider fundamental.

Mr. ALBERT. The gentleman mentioned Oklahoma. The largest oil company in the country, I believe, is the Standard Oil Co. of New Jersey, and perhaps some Member from New Jersey would own stock in that company.

Mr. FRELINGHUYSEN. I agree with the gentleman. It strikes me that a disclosure that an individual owns at least $5,000 in any of a number of companies would give no clue as to whether or not such ownership might influence his vote. I, myself, feel it insulting to suggest, because I might happen to have ownership in a certain company, it would influence my vote. Presumably it does not. Perhaps it is being argued that by voting there could be some influence on the market value of an equity investment, but I suggest that that would be an impossibility for the average investor.

I regret that my time has expired.

Mr. HALLECK. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. KYL].

Mr. KYL. Mr. Chairman, yesterday on the floor of the House we were concerned with crime, particularly organized crime. Today we are talking about ethics. I would like to talk for a few minutes, not about the problem that could happen, but a problem that does occur today on the campus of the Capitol, and one which deserves immediate attention.

For about a year investigation has been underway checking into an illegal, well-organized activity here on "the Hill," one which involves the numbers racket, sports pools, and similar gambling. I can assure you, Mr. Chairman, that this is a matter of sufficient size to be of very grave concern. Investigation has been extensive.

I have been closely associated with this investigation. I am personally satisfied that no Member of this body and no official of this body is involved. But unless curbed, the subject will reflect with injury to all Members and all the officials of this body.

A very large number of people are involved. These people are employees of the House. These employees work in almost every department of the House.

I hope that under this act the Ethics Committee can make available to itself trained investigators who can look into such matters. At the present time, if we are to get a trained investigator from the Federal Bureau of Investigation or the Metropolitan Police Department, we must do so through an arrangement with the Capitol Police Board or the investigation is not to proceed. When we get investigators of this kind, they are marked almost immediately by the practitioners of the trade.

I can tell you that no wiretaps or similar devices were used in this investigation. I can tell you that no rules of the House were violated. I can also tell you that I think on this day every officer of this House should advise every employee under his jurisdiction that that employee will be summarily dismissed if he buys or sells numbers or engages in other illegal activity and, insofar as I am concerned, the individual should not be reinstated.

When sports lists and numbers can be purchased in every building on this campus every day, the situation cannot be ignored.

I do not intend to say any more on this matter. If reporters of the public media desire further information, may I suggest with some basic knowledge that there are members of their corps who can give them sufficient practical basic knowledge of the subject so they can proceed on their own to complete an investigation.

Mr. OLSEN. Mr. Chairman, I have read with great interest the report submitted to you by the Committee on Standards of Official Conduct. I enthusiastically ascribe to the recommendations in this report and hope that the House will see fit to adopt the recommended resolution. However, I feel the committee did not go far enough because it should have included the requirement that complete details of campaign financing be filed by each Member. In Montana we have been required to do this for years and I feel this is a healthy thing. I am sure the great majority of my distinguished colleagues would welcome the opportunity to disclose their campaign financing.

Mr. Chairman, I hope that we will amend the proposed resolution before passage to include campaign financing disclosure.

Mr. HALLECK. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I take this opportunity of expressing my commendation to the chairman of this committee and to the ranking minority member and the other members of the committee.

I joined in the introduction of this resolution and strongly support it but I share this feeling which I know is in the hearts and minds of all Members of this body: That, after all, the objective we are seeking cannot be completely gained by any language in this or any other resolution, but has to be found in our full understanding of our obligation to our constituents, our country, and our own conscience.

But this resolution represents a proper start. I am sure that through the continuing study and supervision of the permanent committee we can be assured that all appropriate action necessary to

protect the integrity and dignity of this body will be taken.

Mrs. MAY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. MAY. Mr. Chairman, I rise in enthusiastic support of House Resolution 1099, to continue the Committee on Standards of Official Conduct as a permanent committee of the House of Representatives.

On the opening day of Congress last year I joined a large number of my colleagues in introducing resolutions to create a special Committee on Standards of Official Conduct in the House of Representatives. Three months afterward this bipartisan committee was created, and has recently submitted what I consider to be an excellent report and recommendations, including a new eight-point code of official conduct for Members, officers, and employees of the House of Representatives.

In addition to the recommended code of official conduct, the committee has, among other recommendations, proposed the establishment of the Committee on Standards of Official Conduct as a permanent standing committee of the House with powers to enforce the standards of conduct it has proposed.

I believe all of the proposals of the special Committee on Standards of Official Conduct should be welcomed by the Members of the House of Representatives as well as by all Americans interested in good government. Adoption of these recommendations, and adherence to them by Members of Congress, should help increase confidence in the ethical behavior of the Congress which has been threatened by the actions of a few.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I am pleased to support the recommendations of the Committee on Standards of Official Conduct. The committee has produced a unanimous report which deserves the approval of the House of Representatives.

I believe the report represents a substantial thrust forward in the field of government standards. The Congress should set the example in the conduct of official business for the rest of government at all levels. This has not always been so, but I think the Ethics Committee by its recommendations has made available to us the greatest advancement in congressional ethics in the 179-year history of Congress.

The committee has conducted a long and thorough investigation in this sensitive field. The problems have received good study and attention, with an opportunity for all Members of the House and outside witnesses to express their views.

Careful deliberation by all the members of the committee and staff has eliminated the impractical ideas and outlined the necessary rules by which the House of Representatives can raise the standards of the body. The legislation speaks eloquently of the duty performed by every member of the committee, which has gone about its work in an unassuming, thoughtful manner, despite its not altogether pleasant responsibility.

It was my privilege to serve as chairman of the first House Ethics Committee, and as the committee's report points out, our tenure was "short lived." I do believe, as the report suggests, we did do some important "spadework."

For example, the Select Committee on Standards and Conduct in the 89th Congress, recommended that the committee be continued in the 90th Congress, and that it have the power to receive and investigate complaints against Members and recommend appropriate disciplinary action. I am pleased these points are included in the committee's report.

The establishment of the committee as a permanent standing committee of the House with clear-cut powers to enforce standards and public disclosure of certain assets, income, and gifts are two important suggestions that should be applauded by the House and approved, just as the other recommendations of the committee.

This report is the outgrowth not only of the splendid work of the committee, but of the interest of many Members of the House. Over 100 resolutions calling for the creation of the Ethics Committee in the 90th Congress were introduced and the Rules Committee held long and careful hearings on these resolutions.

The main purpose of the report is to help improve the standards of the U.S. House of Representatives and also the public confidence therein. Sixty percent of those answering a Gallup poll in 1967 said they believed the misuse of Government funds by Congressmen was fairly common. Of course, we know that such abuses are in fact not common but we have seen a number of such damaging polls showing the people's lack of faith in the integrity of Congress.

A permanent House Ethics Committee is the vehicle to achieve and maintain the highest possible standards by statute and enforcement.

Some months ago, I conducted a nationwide survey on what the individual States had done in the way of codes of ethics or conflict-of-interest laws relating to executive and legislative officials. Some 23 States have statutes in this field.

For example, New York was the first State to enact a conflict-of-interest law in 1954; California now has a strong law for its legislators, who make annual salaries of $16,000; Missouri adopted the same code of ethics for government service which was approved by Congress in 1958 for Federal employees, and my own State of Florida has a set of standards for its State representatives and senators. Most of the States and many major cities of the United States are acting for strong government ethics committees and laws on the books. The first official act by the new mayor of Jacksonville, Fla., my hometown, the Honorable Hans Tanzler, Jr., was the proposal for a code of ethics for city employees and officials. This was also patterned after the code of ethics for government service passed in 1958.

From a practical standpoint the measure before us today is reasonable, not extreme, and is a constructive thrust forward for better government. The Committee on Standards of Official Conduct has done a good job. Its report deserves to be approved by the House of Representatives. This legislation is long overdue. I am hopeful it will be enacted without delay.

Mr. HALLECK. Mr. Chairman, I yield to the gentlewoman from New Jersey [Mrs. DWYER] such time as she may consume.

Mrs. DWYER. Mr. Chairman, as one who has been deeply concerned and actively involved for several years in the area of congressional ethics, I have found myself approaching the pending resolution and the report upon which it is based from two points of view:

First, a feeling of gratitude that the House finally has before it a concrete and potentially effective proposal for establishing and enforcing a code of official conduct for the Members, officers, and employees of this body; and

Second, a lingering regret that the Committee on Standards of Official Conduct did not more fully utilize this opportunity to bring to the House a more comprehensive, less ambiguous, code of ethics.

On balance, however, it is apparent that the committee has made an encouraging start and has established an ethical structure which can be elaborated and improved as changing needs and experience suggest. In light of the sharp divisions within the House on questions of ethical standards, and in view of the considerably less effective series of rules adopted by the other body, the committee's achievement is a notable one.

In three particular respects, Mr. Chairman, the committee resolution is most significant:

First, it would establish the committee on a permanent basis and equip it with the power to investigate, to recommend disciplinary action for violations, to report evidence of such violations to appropriate law enforcement agencies, to recommend changes in the proposed code of official conduct, and to render advisory opinions on ethical questions—powers which, properly used, can make the committee an effective instrument by which public confidence in the Congress can be restored;

Second, it would establish for the first time of a specific and enforceable Code of Official Conduct which, despite its gaps and ambiguities, sets the important precedent of specifying certain principles which those who hold the high office of U.S. Representative will be expected to honor; and

Third, it would establish, again for the first time, the principle that Members of Congress are subject to requirements of responsibility and accountability—including the disclosure of their assets and income—that go beyond those which are binding upon private citizens.

In brief, the resolution once and for all recognizes that persons elected to public office are the beneficiaries of a sensitive public trust which we cannot allow to be sullied. Public office is a privilege. Those of us who hold public office do so because we sought it; it was not imposed upon us. We have, con-

sequently, accepted the obligations, the limitations, the inconveniences that accompany public life. In effect, the committee resolution simply formalizes these responsibilities and makes them binding.

To the extent that the committee resolution is inadequate, Mr. Chairman, much of the reason rests with the committee's decision to limit its resolution to those recommendations which would not require statutory changes and therefore would not involve the acquiescence of the Senate. I feel certain there were sound reasons for such a decision at this time, but I would urge members of the committee to turn their attention more directly to the need to improve specific laws—as opposed to House rules—which affect the conduct of Members and staff. In my own testimony and that of others before the committee, specific recommendations were directed to this objective.

I would also hope that the committee will shortly consider improving the proposed rules changes in at least two respects: First, by defining more meaningfully the governing language in the Code of Official Conduct—for example, in paragraph 4, what constitutes a "gift of substantial value"?—and by otherwise relating the code more immediately to the realities of conduct in public office; and, second, by at least some tightening up of such broad provisions in the financial disclosure rule as that which exempts from disclosure amounts of income and capital gains of less than $5,000—a figure which seems unnecessarily high.

I am led to believe that the committee will, in fact, deal with these problems or omissions. In its report, the committee included the following paragraph:

> The committee emphasizes that it regards its proposals not as the full answer to the maintenance of ethical standards of conduct but as a meaningful beginning. The committee contemplates that the proposed code of standards, if adopted, will be subject to revision and refinement as experience and developments indicate. The provisions recommended herein for the disclosure of certain financial details may prove in practice not as workable as they do in the hypothetical. These, too, may need modification as experience dictates.

Potentially, at least, the committee's expressed intention to develop a series of precedents through published decisions in the form of advisory opinions on the propriety of current or proposed conduct may become—in the committee's own words—"its most valuable function." If such precedents can be systematically developed in each of the major problem areas, published with reasonable expedition, and expressed with realistic precision, then the deterrent effect of the code may well exceed in importance the code's enforcement provisions. If I understand the committee's position, however, this goal will require the cooperation of Members in submitting appropriate requests for advisory opinions.

Specific and authoritative opinions rendered by the committee on specific behavior as described in its fullest context can be the best kind of preventive medicine and a most effective means of convincing Congress, its employees, and the American people that conduct of a questionable or unethical character will no longer be tolerated.

Mr. Chairman, rather than delay the House further, I include herewith, as a part of my remarks, the text of my statement on September 14, 1967, before the Committee on Standards of Official Conduct and the text of House Resolution 392 which contain, taken together, the details of my own proposals in this field.

The statement and resolution follow:

STATEMENT OF REPRESENTATIVE FLORENCE P. DWYER BEFORE THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN SUPPORT OF EFFECTIVE LEGISLATION IN THE AREA OF CONGRESSIONAL ETHICS, SEPTEMBER 14, 1967

Mr. Chairman, and members of the Committee, it is a source of considerable gratitude to me and, I am sure, to millions of Americans, that your Committee is actively pursuing the question of establishing standards of official conduct for Members of the House of Representatives.

No issue before the Congress, in my judgment, is more important than the need to reestablish and strengthen the public confidence in the integrity of the Legislative Branch of the Government. We all know—for the public opinion polls, among other evidence, have told us—how seriously popular regard for Congress has declined in recent years. At a time when most of us are increasingly concerned about the growing imbalance of power between the Executive and Legislative Branches, about the apparent looseness of public morals, and about the disregard for law and order, we have a special responsibility to establish and enforce the highest standards of conduct for this, the highest institution of representative government in the Nation. It seems obvious that we cannot expect others, in or out of public life, to conform to ethical standards which we are unwilling to establish for ourselves.

Already, Congress has lagged much too far behind other institutions and organizations, in adopting effective ethical standards. Bar associations, medical associations, local and State governing bodies, and the Executive Branch of the Federal Government have established codes of ethics and conflict-of-interest regulations which go far beyond anything the Congress has done. Within the past week, for example, two more communities in my own Congressional District have approved detailed and demanding codes for their local governing bodies. In one case, the local ordinance established an independent committee of private citizens to supervise and enforce the implementation of the regulations, completely detached from the local government.

All this activity, I believe, can be traced to the demands of the general public for full information about what their elected representatives are doing and for assurance that the conduct of public officials will be above reproach. Certainly, the people have a right to ask this of us and a right to expect that we will respond affirmatively. Should we fail to respond, in an effective way, then we shall only be inviting further public cynicism about the Congress and suggesting to the people that we have something to hide.

My faith in this institution and my respect for my colleagues is too great to permit this to happen. Consequently, I believe that the proposals for ethics legislation which so many of us have made should be understood not as an implication that Congressional behavior is somehow less satisfactory than the norm but as an opportunity to demonstrate our good faith and our respect for the people's right to know. In the same sense, these proposals should be seen not as an onerous burden on Members of Congress or a distasteful invasion of our privacy but as part and parcel of the public responsibilities we agreed to undertake when we sought election to public office.

We pride ourselves, as politicians, on our sense of realism. I suggest, then, that reality, backed up by experience, tells us that public officials are no less subject to temptation or no less immune from carelessness than others who occupy positions of authority or influence or power. If this is so, we should act accordingly and establish standards and procedures which will help protect us and the people we represent from avoidable human weaknesses and their unfortunate consequences.

Since the beginning of the year, I have conducted an intensive restudy of this entire field—reviewing the existing inadequate statutes, analyzing past proposals for reform, and contrasting the conflict-of-interest regulations and standards of ethical conduct which govern officials of the executive branch with the virtual absence of effective standards and regulations governing the Congress.

As a result of these reviews, I am more convinced than ever that any ethics program which the House might adopt will be deficient unless it includes three main features:

First, it must provide for full disclosure, so that Congress and the people will have access to the facts of what is being done and how its money is being used.

Second, it must establish specific standards of behavior and prohibit the violation of these standards.

And third, it must be enforceable, on a regular, continuing and systematic basis.

Each of these features, Mr. Chairman, will reinforce the others. Without any one of them, the whole will be inadequate. Disclosure alone, for example, may lead nowhere unless there are standards against which to measure the facts which are disclosed. Likewise, standards by themselves can be meaningless unless we have the capacity to determine when they are being abused. And, finally, unless there is assurance that punitive action of some kind will follow from proven violations, then the restraining influence of both standards and disclosure will be gravely weakened.

Acting on these assumptions, I have prepared an ethics program which I believe will go a long way toward establishing the procedures, standards, and conditions under which the House can exercise effective supervision of the behavior of its own Members—a responsibility which it cannot delegate to others and which it must not refuse.

The principal elements in my program which I have introduced as legislation, include the following:

First. Public disclosure of all income, including identification of sources, gifts of more than nominal value, assets, liabilities, and transactions in real and personal property and commodities by all Members of the House and Senate, candidates for the House and Senate, top congressional staff employees and higher-ranking officials of the executive branch, in annual reports filed with the Comptroller General which shall be available to the public and the press.

Second. Public disclosure, as part of the published record of each case, of all communications or contacts with administrative agencies by Members of Congress or others outside the agency in connection with contract awards, licenses, grants of authority, et cetera.

Third. Public disclosure, through audits conducted by the Comptroller General under the supervision of the Committee on House Administration, of all spending of appropriated funds by Members, committees, and officers of the House from all accounts maintained by the House including those for salaries, expenses, travel, clerk-hire, et cetera.

Fourth. Adoption of an interim code of ethics for the guidance of Members, officers and employees of the House pending ap-

proval of a more comprehensive code. Such an interim code has been spelled out in some detail in legislation introduced by several of our colleagues, including my own House Resolution 392 where the interim code appears in Section 7.

Fifth. Establishment of a Committee on Standards and Conduct which shall have authority to (a) investigate allegations of improper conduct, (b) recommend disciplinary action to the House, (c) report violations of law to appropriate Federal and State authorities, (d) recommend to the House changes or additions to its rules and regulations with respect to standards of conduct, (e) render advisory opinions on ethical questions upon request, (f) conduct a thorough study of existing conflict-of-interest statutes applicable to the legislative branch and determine how they should be strengthened, and (g) recommend a comprehensive, specific, and enforceable code of ethics. Since your own Committee lacks authority in certain of these respects, I would earnestly suggest that you request such authority from the House.

Sixth. Provision of stricter controls over expenditures by Members of Congress or employees traveling outside the United States.

Seventh. Prohibition of the use of contributions to Members of Congress for personal purposes.

Eighth. Prohibition of the employment of relatives on congressional payrolls and the requirement that all employees regularly attend and perform the duties for which they were employed.

Ninth. Provisions of appropriate penalties for violation of the above.

I recognize, Mr. Chairman, that not all our colleagues will agree that all the provisions I have mentioned are necessary. There will be disagreement about the ways and means of accomplishing what I hope is the common objective of all of us, the revival of confidence in the Congress. I for one shall welcome such debate—so long as we can be assured effective action will follow.

We cannot go on much longer as though we were oblivious to the mounting criticism of Congress, to the loss of prestige, to the periodic scandals that reach out and touch all of us, and to the demands from every side that we put this House in order.

I am amazed that our people have been so patient, Mr. Chairman. They are, after all, the ones to whom we must account, the source of our funds and our authority. The Congress has given them too many reasons to wonder and doubt; we have stretched their patience to the breaking point.

This Committee has an unprecedented opportunity to help preserve and enhance the role of Congress as a free and representative assembly. I know how seriously you have taken on this responsibility, and I have every confidence that the results of your work will reflect credit upon us all.

H. RES. 392

Resolved,

ESTABLISHMENT OF SELECT COMMITTEE ON STANDARDS AND CONDUCT

SECTION 1. (a) There is hereby established a select committee of the House to be known as the Select Committee on Standards and Conduct (referred to hereinafter as the "select committee") consisting of ten Members of the House, of whom five shall be selected from members of the majority party and five shall be selected from members of the minority party. Members thereof shall be appointed by the Speaker of the House. The select committee shall select a chairman and a vice chairman from among its members.

(b) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The select committee shall adopt rules of procedure not inconsistent with the rules of the House governing standing committees of the House.

POLICY AND PURPOSE

SEC. 2. (a) One of the most vital concerns of a free and representative government is the maintenance of moral and ethical standards for their representatives which are above cause for reproach and warrant the confidence of the people. The people are entitled to expect from their elected Representatives in the Federal Government and the employees of the legislative branch a standard above that of the marketplace, for these public servants are entrusted with the welfare of the Nation. Yet these standards must be practical and should be fairly representative of the people who elect their representatives. Some conflicts of interest are clearly wrong and should be proscribed by sanctions in the criminal law; however, many are composed of such diverse circumstances, events, and intangible and indirect concerns that only the individual conscience can serve as a practical guide. But there are many possibilities of conflict in that shadowland of conduct for which guidance would be useful and healthy, but for which the criminal law is neither suited nor suitable. Therefore, the House finds that a code of ethics is desirable for the guidance and protection of its Members and the officers and employees of the House, by establishing the standards of conduct reasonably to be expected of them.

(b) It is also the purpose of this resolution to provide for a thorough study and investigation to determine necessary and desirable changes in existing conflicts-of-interest statutes applying to Members of the House and to officers and employees of the House, and to develop a comprehensive code of ethics for the guidance of such Members, officers, and employees, by which the purposes of this resolution may be more fully realized in the conduct of the public business in the House.

SEC. 3. (a) It shall be the duty of the select committee to—

(1) receive complaints and investigate, on its own initiative as well as upon request, allegations of improper conduct which may reflect upon the House, violations of law, and violations of rules, regulations, and any code of ethics of the House, relating to the conduct of individuals in the performance of their duties as Members of the House, or as officers or employees of the House, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the House by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the select committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the House, by report or resolution, such changes in or additions to the rules or regulations of the House as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the House, and by officers or employees of the House, in the performance of their duties and the discharge of their responsibilities;

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities; and

(5) render advisory opinions upon questions of ethics arising under the rules of the House or any code of ethics of the House when so requested by the Members of the House or officers or employees of the House.

(b) The select committee from time to time shall transmit to the House its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 4. (a) The select committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the House; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable.

(b) Upon request made by the members of the select committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the select committee may receive compensation at an annual gross rate which exceeds by more than $1,600 the annual gross rate of compensation of any individual so designated by the members of the committee who are members of the minority party.

(c) With the prior consent of the department or agency concerned, the select committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the House, or any subcommittee thereof, the select committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the select committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the select committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the select committee or any member thereof may administer oaths to witnesses.

SEC. 5. (a) As used in this resolution, the term "Members of the House" includes any Delegate to the House or Resident Commissioner in the House.

(b) As used in this resolution, the term "officer or employee of the House" means—

(1) an elected officer of the House who is not a Member of the House;

(2) an employee of the House, of any committee or subcommittee of the House, of any Members of the House, or of any Delegate to the House or Resident Commissioner in the House;

(3) the Legislative Counsel of the House or any employee of his office;

(4) an Official Reporter of Debates of the House and any person employed by the Official Reporters of Debates of the House in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Clerk of the House; and

(6) an employee of a joint committee of the Congress whose compensation is disbursed by the Clerk of the House.

POWERS AND DUTIES

SEC. 6. (a) It shall be the duty of the select committee to undertake a thorough study and investigation of the ways and means by which the policy objectives set forth in section 2 of this resolution can further be assured. In the conduct of such study and investigation the select committee shall, among other things, determine to what extent existing conflict-of-interest laws or regulations applicable to the legislative branch should be strengthened, and it shall recommend a comprehensive, specific, and enforcible code of ethics in the formulation of which it shall have considered the following subjects:

(1) Outside employment or professional or business activity by Members of the House or officers or employees of the House;

(2) Disclosure by Members of the House or officers or employees of the House of confidential information acquired in the course of official duties or the use thereof for personal advantage;

(3) Use of their official position by Members of the House or officers or employees of the legislative branch to secure unwarranted privileges, benefits, or exemptions for themselves or others;

(4) Dealing by Members of the House or officers or employees of the House in their official capacities with matters in which they have a substantial pecuniary interest;

(5) Conduct by Members of the House or officers or employees of the House which gives reasonable cause for public suspicion of violation of public trust; and

(6) Other matters concerning official propriety and the integrity of the public service as it relates to Members of the House, or officers or employees of the House.

(b) The select committee shall recommend to the House, by report or resolution, such additional rules or regulations of the House as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the House and officers or employees of the House in the performance of their duties and the discharge of their responsibilities. The select committee shall also report to the House the result of its investigations together with such recommendations for the establishment of a House code of ethics as it may deem advisable. Such report shall be submitted no later than August 31, 1967.

INTERIM CODE OF ETHICS

SEC. 7. For the purposes of guidance for Members of the House and officers and employees of the House during the period during which the select committee is considering the provisions of an appropriate House code of ethics, the Congress hereby adopts the following standards as a guide to such Members, officers, or employees:

(a) No Member of the House or officer or employee of the House should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction, or professional activity or incur any obligation of any nature whether financial or moral, which is in substantial conflict with the proper discharge of his duties in the public interest; nor should any Member of the House, officer or employee of the House give substantial and reasonable cause to the public to believe that he is acting in breach of his public trust.

(b) In addition to the general rule set forth in paragraph (a), the following standards are applied to certain specified transactions:

(1) No Member of the House or officer or employee of the House should accept other employment which will tend to impair his independence of judgment in the exercise of his official duties.

(2) No Member of the House or officer or employee of the House should accept employment or engage in any business or professional activity which will tend to involve his disclosure or use of confidential information which he has gained by reason of his official position or authority.

(3) No Member of the House or officer or employee of the House should disclose confidential information acquired by him in the course of his official duties or use such information for other than official purposes.

(4) No Member of the House or officer or employee of the House should use or attempt to use his official position to secure unwarranted privileges, benefits, or exemptions for himself or others.

(5) A Member of the House or officer or employee of the House should not by his conduct give reasonable cause for belief that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position, or influence of any person or political party.

(6) A Member of the House or officer or employee of the House should endeavor to pursue a course of conduct which will not give reasonable cause for belief that he is likely to violate his trust.

(7) Any Member of the House who has any direct or indirect pecuniary interest in the passage or defeat of any legislative measure should declare the nature and extent of such pecuniary interest before casting any vote with respect thereto upon the floor of the House or in any committee or subcommittee of the House.

(8) Any officer or employee of the House who has any direct or indirect pecuniary interest in the passage or defeat of any legislative measure, before engaging in the rendition of any service with respect to that measure for or on behalf of any Member of the House or any committee or subcommittee of the House, should declare to such Member, committee, or subcommittee the nature and extent of such pecuniary interest.

(9) No Member of the House, and no officer or employee of the House, should solicit or accept any substantial loan, gift, favor, entertainment, or any other thing of more than nominal value which is not generally available to persons not holding public office from any other person who has or may have any substantial direct or indirect pecuniary interest in the passage or defeat of any legislative measure upon which such Member has or may have occasion to cast his vote as a Member of the House, or with respect to which such officer or employee has or may have occasion to render any service as an officer or employee of the House.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I rise in support of House Resolution 1099 and urge its adoption. I think the committee that prepared this resolution has done a very commendable job in preparing a workable set of rules and regulations to help set standards of official conduct for Members of the House of Representatives.

This resolution, when adopted, will be a good beginning in an area that is largely uncharted. The laws and rules that we have been operating under in the past have not been effective and there has been no practical machinery by which standards of conduct could be properly judged.

I think that this code, and the machinery it establishes, will help restore a greater confidence in the legislative process. Again, I commend the committee members for their fine work.

Mr. HALPERN. Mr. Chairman, I am firmly convinced of the need to continue the Committee on Standards of Official Conduct as a permanent organ of this House, and to establish a solid, detailed, hard-hitting code of conduct for Members, officers, and employees.

The need is just as critical today as it has ever been. There is still a nagging suspicion in the minds of many citizens that up here on Capitol Hill, the loyalty of Congress to the public interest is being compromised by special interests.

Let me make it perfectly clear that I do not for an instant suggest that there is any substantial foundation for such charges. But the public's suspicion persists. I say it is up to us to dispel the public's doubts about our integrity. Confidence in this House must be restored.

Mr. Chairman, there is only one way to do it. We can steer only one course that will reestablish the confidence of our people and leave fewer festering uncertainties. And that course is full disclosure.

By that I mean full disclosure of every act of any Member which can possibly, in any way, affect his position as a representative of the people, or his integrity as a public servant.

Last year, I was deeply gratified to see the unanimous House action which resulted in the establishment of an ethics committee. I had introduced one of the bills in the House calling for such action, and through the years, in past sessions, I had introduced similar legislation.

That committee has now come forth with valuable recommendations, and I urge the House to accept these, at the very least, as a minimum code. However, I fervently call for a broadening of the code to include complete disclosure provisions, something I have long advocated, and for which I sponsored two bills in this session. It is my deep hope that the House will expeditiously implement these proposals.

I wish to stress the fact that a code of ethics, including complete disclosure, is the only way that Congress can affirm to the people our absolute conviction that we sincerely desire to comport ourselves in a manner most beneficial to the people we serve.

There can be no other way of affirming this intention, and the sooner it is done, the sooner we will lay to rest the speculations and innuendoes which have done so much to weaken the Nation's faith in its representatives.

Mr. FASCELL. Mr. Chairman, the bill under consideration today is the result of the genuine concern shared by all Members that the integrity and reputation of the Congress be insured. The Select Committee on Standards of Official Conduct has worked long and hard and I commend the Members for the outstanding job they have done with the difficult and complex task of recommending to the House of Representatives the regulations and standards by which it will judge itself and be judged.

The long-term security and welfare of this Nation depend, more than anything else, upon having a government with the highest standards of honesty and integrity. It is the responsibility of the Congress to insure that kind of government for the people of the United States. And it is our responsibility to insure that we observe those same high standards of conduct in making the rules for the rest of the Government.

For these reasons, in the 89th Congress I joined my good friend and colleague, the gentleman from Florida, Congressman BENNETT, as one of the first sponsors of the resolution to first establish the select committee. On the opening day of the 90th Congress I introduced a resolution to make the committee the

permanent integral part of the House of Representatives which it now is. The approval of this legislation was itself a landmark in the history of the House.

After the establishment of the committee, it moved quickly to hold hearings and determine the nature of the standards and regulations needed by the House. I had the privilege of appearing before the committee during those hearings to testify in support of a code of ethics, and to urge that a workable framework be established within which that code could be enforced.

In my testimony I made a number of recommendations to the committee. They included the following:

A prohibition against receipt of any gifts or remuneration of any kind which might create a conflict of interest;

A prohibition against using an official position to secure special privileges;

A prohibition against the use of information secured during official action for personal gain;

A ban on any substantial participation in any private business which does business with the Federal Government;

A requirement that any possible conflict be made public and that a Member disqualify himself from any action in which he has a clear conflict of interest;

A ban on business relationships with any registered lobbyist; and

A prohibition against congressional interference in the judicial or quasi-judicial action of any Federal regulatory agency.

It was also my suggestion that each Member's public disclosure statement be examined by the committee, the Department of Justice, or the Comptroller General of the United States in order to determine if any conflict existed and the Member and the public advised accordingly.

After hearing testimony from 40 witnesses, including 30 Members of Congress, and after holding 39 executive sessions, the committee released its recommendations to the House of Representatives and to the public. As I have stated, with the enormous and difficult task with which it was charged, the committee responded admirably.

By recommending that the committee be made a permanent, standing committee of the House, and authorizing it to conduct investigations and supply advisory opinions on ethical questions, It has taken an important step toward assuring the American public that their affairs are being conducted with propriety, in an honest and forthright manner.

The code of ethics proposed by the committee and included in the legislation before us today, if adopted would greatly clarify the standards by which we and our employees should conduct the business of the House of Representatives. I was pleased to see that a number of the recommendations which I presented to the committee were included in its final proposal.

I commend the committee, too, for recommending its financial disclosure provision, requiring disclosure of major outside sources of income or investments by Members and officers of the House, their employees, and professional committee staff members.

While there will be those who urge the adoption of a broader code of ethics, and those who urge a less stringent one, I urge that the recommendations of the committee which has worked so hard and studied all possibilities, be accepted as a substantial first step.

Mr. MACHEN. Mr. Chairman, it is a distinct pleasure for me to rise today and give my firm and wholehearted support to House Resolution 1099. As reported by the Committee on Standards of Official Conduct, House Resolution 1099 would amend the House rules to first, establish a code of official conduct; second, require disclosure of certain outside income and investments; and third, make the Committee on Standards of Official Conduct a standing committee with investigative and enforcement powers. I concur completely with these objectives.

When the committee held hearings as a part of its effort to draft a meaningful code of conduct for House Members, I was one of 54 Congressmen who submitted statements or testified in person. At that time, I said that I personally favored the strongest workable code which could be developed. I believe that the code which has been put before us by the committee in House Resolution 1099 is realistic, specific, and enforceable. We expected and should accept nothing less.

I am fully aware that the record of the Congress over the years is by and large one of unparalleled excellence, in spite of rare departures from rectitude. The maintenance of ideals has been proven time and again to be of the utmost importance to us as legislators. Therefore, I urge all my colleagues to join with me in supporting House Resolution 1099. The recommendations that are set forth in the report will not restrain any of us from exercising our proper role as legislators and as the alter ego of our constituents. We need the code of official conduct. We need the provisions of House Resolution 1099 which provide for the disclosure of certain outside income and investments and we need to make the Committee on Standards of Official Conduct a standing committee with investigative and enforcement powers.

The long hours which the committee spent drafting its report and House Resolution 1099 deserve to be recognized and praised.

Mr. DELLENBACK. Mr. Chairman, about a year ago some 46 of the new Republican Members of this body joined together in urging the creation of a Committee on Standards and Ethics. A number of us spoke to this effect on this floor. A number of us testified to this effect before the Rules Committee of this House. I had the privilege of being one of such new Republican Members to do both.

When we created this new committee and charged it with the responsibility of producing our first meaningful code of standards and ethics, I was one of those who had reservations as to what the committee would be able to accomplish. I was concerned that the resultant recommendation of the committee would be to create of papier maché tiger. The committee has done far more than that. It has taken a significant step, and I personally join both in commending and in thanking each member of the committee for what he or she has accomplished.

This measure is by no means perfect, nor is it final. Each of us realize that. It is a beginning, and in my opinion, a good one. I urge its adoption. And after it has been adopted, I urge further that each of us make it his or her concern first, that it work effectively; and second, that, as its weaknesses and shortcomings and imperfections show up—as they will—we stand ready to recognize them and to make the necessary modifications.

Mr. CLEVELAND. Mr. Chairman, I rise in support of this resolution. I feel that the Committee on Standards of Official Conduct has done a good job on a very difficult problem. In the light of recent public demand, some action is clearly needed in this area.

I want to point out to my colleagues that the Joint Committee on the Organization of Congress recommended that the House of Representatives create a committee to be concerned with the standards and conduct of Members of the House. This recommendation, appearing on page 48 of the final report of the joint committee read as follows:

ETHICS

The House of Representatives shall create a Committee on Standards and Conduct.

The joint committee heard considerable testimony with respect to the problem of the ethical conduct of Members of Congress. It is the opinion of the joint committee that the House of Representatives should create a committee to be concerned with the standards and conduct of Members of the House. The Senate has already created a committee to examine problems in this area and the House might explore profitably the organization and procedures of the Senate Committee prior to implementing this recommendation.

I would also like to call to the attention of the Members a very fine chapter on this subject by our colleague BOB WILSON, which appeared in the book "We Propose: A Modern Congress." As chairman of the Republican task force on congressional reform and committee staffing, which wrote "We Propose," I included this chapter in the hearings of the Committee on Standards of Official Conduct. For any Member who has not yet had the opportunity, I highly recommend they take the time to read this chapter.

Mr. MORTON. Mr. Chairman, first I commend the work of the chairman, the gentleman from Illinois [Mr. PRICE], the gentleman from Indiana [Mr. HALLECK], and the members of the Select Committee on Standards of Official Conduct for the tireless hours they have spent in bringing this resolution before the House. But, Mr. Chairman, I must hasten to add that the consideration of this resolution marks, from my view, a sad milestone in the history of this great legislative body.

Compared to some, it has been my privilege to serve in the Congress only a relatively short time. But in these 5½ years I have come to know the men and women who here represent the heart and soul of America. I have seen clearly the reflection of American integrity and a profile of American purpose.

Among the realities of human life, and scattered sparsely through the story of

service in the House of Representatives, there are—as there are in every other sector of our society—incidents of failure, of conflict in interest, and of deviation from noble purpose. In my opinion, these incidents would have occurred notwithstanding the existence of a Committee on Standards of Official Conduct, or a code of ethics, or the disclosures required by this resolution.

It is with heavy heart and deep reluctance that I bring myself to the point of voting "aye" for this resolution. A code of ethics and a standard of behavior is set out for a Member of Congress not so well in this resolution as it is in the oath of office which we all take at the beginning of each new Congress.

The ownership of securities or the size of a man's income is not relevant to his character. All the codes, all the sealed envelopes, all the disclosures cannot be related to the purpose with which a Member of Congress serves his constituents and, in a greater sense, his country. If we have those who would deviate or let their judgment be deflected by economic pressure, this deviation or deflection will occur with or without the adoption of the measure before us today.

If this resolution is designed to cover a broad spectrum of conflict in interest, it falls far short. For example, in the disclosure of assets, we deal only with corporate equity interests. Real estate or municipal indebtedness, agricultural interests, and many other areas where conflict could develop are all omitted from the disclosure requirements.

I understand fully the public pressures which have developed and which have resulted in bringing this resolution before the House, and with the same understanding, I am confident that at best it can only respond to that pressure. But if there are those among us who decide to use the power of their office for economic gain beyond their prescribed compensation, they will develop the ways and means.

In all candor, Mr. Chairman, I must say to my colleagues that, in my judgment, we are here creating a facade which can give the public a false impression that our house, from its foundation to its rooftop, is in order. The fact is that the men and women of this House of Representatives are truly representative of their constituents, endowed with the strength and burdened with the weaknesses of the people themselves.

Let us not permit this resolution to become a screen separating us from the realities of human life and of human behavior. Let us not lead anyone into believing this proposed code of ethics and its disclosures in any way will change the fabrication of the character of the 435 whose responsibility is to serve the people of this great Nation in the establishment of a government of laws, and not of men.

Mr. MILLER of Ohio. Mr. Chairman, I am very pleased with the proposals of the Ethics Committee, and I think their proposals deserve careful attention and strong support by all Congressmen. The American people have the right to expect high standards of conduct and integrity from all its public officials.

The recommendation of such standards of conduct should not be construed in any way as a reflection of past or present misconduct on the part of House Members or public officials in general. The fact is that standards of behavior followed by publicly elected officials are probably as high as that of any other group of people by virtue of the fact that they live in a goldfish bowl and their every action is subject to public view and public scrutiny, as it should be.

I have often expressed publicly my support for such a code of ethics. No public official should be afraid to tell the public what they, as taxpayers and voting citizens have every right to know. I think the committee's recommendations achieve this, and their proposals have my full support.

Mr. MONAGAN. Mr. Chairman, I support House Resolution 1099 and I compliment the committee on the work which it has done in bringing this resolution to the floor.

It is probable that many will find defects in it. Some will think it goes too far and others will feel that it does not go far enough.

I have long supported the proposal to enact a code of ethical conduct for the guidance of Members of the House and I also supported the resolution which created the select committee which has brought forth the resolution which we are considering today. Although the rules which are proposed to us in the present resolution leave much to be desired in the way of definition, as has been demonstrated in the course of debate, nevertheless, I believe that this action represents a substantial step in the promulgation of a code which will permit us to put our institutional house in order and provide a guide for our own assistance in this uncharted and difficult ethical area.

Mr. VAN DEERLIN. Mr. Chairman, I am supporting the ethics legislation before the House today, but with some reservations.

The bill giving permanent status to the Committee on Standards of Official Conduct represents a promising start. It will let the Nation know that the House does care about the public deportment of its Members, a fact that is attested to by the thoughtful report which the Committee on Official Standards has just presented to us.

I must say, however, that I wish the committee had recommended more stringent financial disclosure regulations.

As I understand the report, Members, officers, and some employees will be required to publicly identify only certain sources of income, not the amounts of money involved.

In addition, a citizen would be able to obtain such information as was available only through direct personal contact with the committee itself. Someone living far from Washington would not, apparently, be given this data in response to a letter. Instead, the inquiring citizen or his representative would have to appear in the committee offices and thoroughly identify himself as conditions for gaining access to the supposedly "public" information.

Now I am well aware of some of the very forceful arguments against total and public financial disclosure, including the theory that the mandatory setting forth of all the financial facts of a Congressman's life could constitute an unwarranted invasion of his privacy. Unfortunately, we who serve in the House are most emphatically public men, answerable to our constituents for every aspect of our official performance. Under the circumstances, it is difficult to see how the "public" and "private" sources of our personal income can be legitimately differentiated in any sound disclosure procedure.

Mr. MATHIAS, of Maryland. Mr. Chairman, the longest journey begins with the first step. The resolution before us today may be only a modest achievement, but it is a first step.

The Committee on Standards of Official Conduct has performed a great public service by shaping he first realistic, enforceable rules of conduct and disclosure for Members of this body. The committee has acted with great prudence and care in drafting recommendations which respond to the many complex questions of ethics which we face, and which strike a balance between the public interest and legitimate concerns for individual privacy. While exposure is valuable, the glare should not be so bright that it discourages public service.

At the same time, we should recognize that the measure before us today may not be adequate or appropriate for all time.

I, for one, would be glad to support stronger and more far-reaching disclosure provisions, and hope that the House will consider the question again after a year or two of experience with the new rules. Having taken this first step, we should not hesitate to move further in the future. Meanwhile, our approval of this resolution today give us the means to combat situations which might raise ethical questions, and thus to bolster the people's confidence in the integrity of their elected representatives.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise today in support of the adoption of House Resolution 1099. I want to join in paying tribute to the Committee on Standards of Official Conduct for their work in drafting this measure for action by the House.

The job the committee undertook was difficult but I believe they have done well in their effort.

I recognize fully that House Resolution 297, which I joined in introducing with a number of my freshmen colleagues, provides for more detailed disclosure of financial interests as does title III of H.R. 6185, which provides for the disclosure of gifts, assets, liabilities, and certain compensation. Nonetheless, I am proud of the resolution now before us because it represents a major step forward. It is a significant achievement in setting a clear standard.

I have said before that public office is a public trust. But the public—our constituents—cannot effectively measure how well we in the Congress are fulfilling that trust unless a meaningful standard exists. Thus the committee report embodies a standard which I support but I am well aware that it is impossible to write a code or standard which covers all actions which concern the conduct of office.

A code to the public who reads it in the press which prints it is almost meaningless as an instrument to judge our performance as public officials unless our records are like an open book, open to the full light of public scrutiny. This is done through disclosure.

The code we adopt here today is not a magic answer. It is through the disclosure provisions, limited as they are, which will give the public the factual basis for determining if we are carrying out the spirit and letter of the standard. It will make it far more difficult for the questionable actions of a few to reflect on all.

During my testimony before the Committee on Standards of Official Conduct I said:

To many disclosure may seem to be an invasion of our privacy or independence. The "fish bowl" in which we live as public officials is already very clear and open. But I believe it is important to assume the responsibility of disclosure as a part of the awesome obligation of public office.

The disclosure provisions of House Resolution 1099 will do much to help insure that the standards of conduct will have meaning.

In my appearance before the distinguished committee which has presented its work to us today I outlined nine points which, in my judgment, provided the foundation for what was needed. House Resolution 1099 reflects to a large degree my own thinking on how best to meet the challenge of public confidence and I am pleased to see labor of the committee so fruitful and to support its recommendations this afternoon.

An open book policy for Members of the House does not put us in the position of relying on what someone else may say—it quite simply states who we are, from whom we have received compensation and with whom we have had dealings. Our public record as officeholders already is widely known and discussed, whether by the news media or our opponents. It it not better to have the record more fully available so that our judges—those who elect us—can see for themselves how well we have borne our trust as public officials?

I believe it is and for these reasons I shall vote to adopt this report. It will do much to maintain a high level of confidence in this institution, the House of Representatives, and nothing less should be expected.

Mr. O'HARA of Illinois. Mr. Chairman, we in Illinois are very proud of the gentleman from Illinois, MEL PRICE, whom we place among the legislative giants from our State who have given luster to this historic Chamber, and we hold in admiration and affection the peerless statesman from the adjoining State of Indiana, CHARLIE HALLECK. Add to these the gracious, beautiful, and brilliant gentlelady from New York, EDNA KELLY; the great and towering Texan, "TIGER" TEAGUE; the unquenchable and unsinkable Republican whip and Illinoisan, LES ARENDS. Then for good measure add two great sons of Tennessee, the Democrat, JOE EVINS; and the Republican, JIMMY QUILLEN; a former Governor of Vermont, BOB STAFFORD; a former speaker of the house in Ohio, JACKSON BETTS; and a former speaker of the house in Colorado, WAYNE ASPINALL; a veteran of the Army Corps in World War II and distinguished public servitor of the Commonwealth of Pennsylvania, LAWRENCE WILLIAMS; and, not the least, the great Virginian from Appomattox, WATKINS ABBITT.

What could come from this mixture of brains, dedication, understanding, and experience other than an outstanding committee? I know I express the thought of all the membership of the House that the Committee on Ethics headed by MEL PRICE, with CHARLIE HALLECK, the ranking minority member, in legislative quality would rank among the all-time great committees. All of us have a sense of good fortune that the deliberations and determinations on the difficult subject of ethics were in such able and dedicated hands.

It was my privilege and pleasure to appear before this committee on September 14, 1967. Among the recommendations I made was one which I hope the committee in its wisdom will adopt at a later date. It follows:

COMMITTEE STATEMENT BY MR. O'HARA OF ILLINOIS

The number of quorum calls is increasing every year. In 1965 we had less than 200. In 1966 we had much more than 200. It is increasing, and why—because Members feel that they can remain away from the floor, and it doesn't hurt them politically at home because nobody pays any attention to it largely because the people at home do not know. We have a rule now that after each rollcall the list of absentees is printed, but that doesn't mean anything—that is one day and there might be many good reasons for absence on that one day. But if you print the number of absences at the end of every legislative session, and at the end of every month, the matter of numerous and unexplainable absences is going to come to the attention of the constituents at home, and we won't have these absentees.

Now, what does it mean to us? As a matter of fact—and I want to guard my words now, because I made the rule since I have been here never to say any unkind words about colleagues of mine. In the final analysis every man has to answer for his own conduct.

When somebody is absent from the floor and could be there and it results in a quorum call the absent Member is doing a grievance to his colleagues. A call of the roll takes about 25 minutes and, mind you, almost a month of every session is unnecessarily taken from us because of the absentees who made necessary these quorum calls.

When there is a quorum call, and I am forced idly to remain there 25 minutes or more for the calling of the roll to establish that quorum, I feel to an extent, and maybe it is without intention on his part, that the Member who is absent is unfair with his colleagues. He ran for Congress and when elected should abide by the rules and the practices. He should not be a part-time Congressman.

He is making my work day longer and hard simply because he doesn't answer the quorum calls or doesn't remain on the floor so that there would be no need of a quorum call.

Yes, this is a hard and demanding job. I think we will all agree there is no harder job in the world. We never have any time, and yet nobody forces us here, nobody comes to us with a gun and says, "Now you have got to run for reelection."

We come here voluntarily, and when we come here I think we should pay the price. Now, one of the prices is attendance. Oh, don't tell me we have so much work to do in our offices that we can't spend these 4, 5, or 6 hours a day on the floor. Of course we have got the time. We are liberally provided with an allowance to hire help, and to say we haven't time to be on the floor is all nonsense.

Now, if we were on the floor tending to the legislative duties as we should, we would be out of here at least two months earlier every year, and we would do more work and I think we would do it better.

Now, what I would suggest to this committee to do is simple. It can recommend—it is a simple thing—it can recommend that the rules be changed to provide that every month the Clerk of the House shall present for publication in the Congressional Record a complete list of all of the Members with the percentage of attendance, how many times a Member has been absent on rollcalls, either quorum calls or record rollcalls, and that that should definitely be printed at the end of the session.

Now, the old-timers will remember that some years ago that was done, and the result was that Members generally felt that to maintain an attendance record of around 90 percent was acceptable and anything less needed to be explained to constituents.

As a result, there were not so many quorum calls, there were not so many absentees. But then that was discontinued. Then many of the new Members come in and say, "Why, it is foolish to answer these quorum calls, only these old-timers, these old fogies, answer quorum calls, and if you are so smart you don't have to answer."

Now, I suggest that this committee could very properly make that recommendation, and that could be made immediately effective, and it would increase attendance.

Mr. BOLAND. Mr. Chairman, I rise in support of House Resolution 1099, which would amend the House rules to create a Standing Committee on Standards of Official Conduct with investigative and enforcement powers; establish a code of official conduct for Members, officers, and employees of the House; and establish a partial financial disclosure requirement for Members of the House, officers of the House, and by their principal assistants and professional staff members of committees of the House.

As one of the sponsors of a resolution—House Resolution 271—which led to the creation last year of the House Select Committee on Standards of Official Conduct, I believe that the House today should strongly support these recommendations of the select committee and thereby maintain the reputation and integrity of the U.S. House of Representatives and the confidence of the American people in their elected representatives.

Mr. Chairman, we are all aware of the fact that this House of Representatives is the greatest, freely elected, deliberative, parliamentary body in the world today; but for more than a score of years the House has been sharply criticized by the press and public for failing to police itself. As I said last April 13 when the resolution to establish the select committee was before the House, this criticism was pertinent and justified because there is no other arm of the Federal Government to oversee the activities and behavior of the Members of this House.

The courts have wisely held that they have no power to intervene in the decisions reached by Congress concerning the conduct of its Members. This leaves the matter squarely up to each House. The House must adopt these recom-

mendations today or lose public confidence. The reputation and integrity of the House is at stake here.

Mr. Chairman, the code of conduct recommended in this resolution by the select committee provides that Members shall keep campaign funds separate from personal funds; and no campaign funds shall be converted to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures.

I am pleased that this provision is included because much of the criticism of the past dealt with the handling of campaign contributions. Over the last few years there have been countless numbers of critical articles in newspapers and magazines concerning campaign contributions and political fundraising methods. The Wall Street Journal ran a series of articles last spring on this subject. The author, Jerry Landauer, in his article of June 28, 1967, dealing with contributions from the congressional campaign committees entitled "Political Fund-Raising: A Murky World," noted:

> Representative Edward Boland of Massachusetts, who also ran unopposed politely returned his $250.

Mr. Landauer was referring to the 1966 congressional election. I had no opposition in the primary and the election, but contributions approximating some $3,500 were offered for my campaign, and politely returned to the donors after no political opposition entered, including the $250 from the House campaign committee to which the Wall Street Journal referred.

Mr. Chairman, the gentleman from Illinois [Mr. PRICE], the able chairman, and ranking minority member, the gentleman from Indiana [Mr. HALLECK], and all members of the select committee deserve the congratulations of the Members of the House and of the Nation at large for the exemplary way in which they have carried out a sensitive, difficult but necessary task in drafting these recommendations.

The select committee's report, I feel, stands as a landmark in the history of this House of Representatives. For the first time in that history the House has before it a comprehensive code of ethics made as clear and as explicit as possible. Every word in the report, and this is no exaggeration, reflects the months of arduous and conscientious study that went into its drafting.

Perhaps the most remarkable achievement in this report is the way in which it strikes an equitable balance between the public's right to safeguards against unethical conduct on the part of their Representatives and the right of those Representatives to safeguards against irresponsible attacks. The fear that Members would be left vulnerable to such attacks, it seems to me, has played a major role in delaying a code of ethics.

In House Resolution 1099 we are presented with a sensible and workable approach to that problem. The resolution calls for conversion of the Committee on Standards of Official Conduct into a permanent committee of the House—a committee that would have jurisdiction over official conduct and authority to investigate any alleged violations of the code. At the same time, the resolution carefully limits the authority of the committee in its investigations and provides for procedures that would protect the rights of Representatives, officers, and employees.

I note with satisfaction the committee's statement that it proceeded "on the premise that enforcement is a poor substitute for prevention or deterrence." Clearly that approach pervades the committee's recommendations and clearly that approach is the most desirable one.

The limits of what is deemed "acceptable behavior" are now vague and muddled, leading to conduct that may be open to criticism if not actually inviting such conduct. The code proposed in House Resolution 1099 would go far toward eliminating this problem by defining those limits more sharply. And the authority of the committee to give advisory opinions "with respect to the general propriety of any current or proposed conduct" of any Member, officer, or employee, and to publish such advisory opinions for the guidance of others, would provide the most useful kind of precedents.

House Resolution 1099's proposals for financial disclosure would also help deter any conduct that might be judged objectionable. Full disclosure of a Member's major financial interests would make it very difficult, if not close to impossible, to engage in any conduct that even approaches conflict of interest.

The resolution, in short, would establish a system that would provide for both the prevention and the prosecution of unethical conduct.

I strongly urge its adoption.

Mr. TEAGUE of Texas. Mr. Chairman, one of the main objectives of the Committee on Standards of Official Conduct was to develop a set of standards of conduct for Members, officers, and employees of the House which would provide guidelines in gray areas in which there are no clear-cut answers, and no easy solutions, as to what is and is not ethical conduct. Another objective was to implement those standards by recommending a permanent committee of the House with the tools necessary to enforce them.

The task of establishing guidelines in inherently ambiguous areas is an extremely difficult and delicate one. The committee tried to achieve a balance between, on the one hand, a realistic and practical code with enough flexibility to be adaptable and enough rigidity to be meaningful, without, on the other hand, hindering the representative function and the well-tried mechanics of the legislative process, or encroaching on each individuals' inalienable right to privacy.

I believe that the committee has succeeded in that task and I support its efforts. While future experience will no doubt dictate further revisions and refinements, we have made an important beginning.

The merits of the recommendations contained in House Resolution 1099 have been sufficiently brought out and discussed. I would like to make only a few additional remarks regarding some aspects of the code of official conduct and the financial disclosure requirement for the benefit of those who think that it does not go far enough.

Standards I, II, commanding a Member, officer, or employee to conduct himself at all times in a manner which will reflect creditably on the House of Representatives and to adhere to the spirit and letter of the Rules of the House, are in a sense the most important maxims in the code in that they reflect the essential intent of the other standards combined.

The language of these two standards of conduct is deliberately general because their meaning can best be conveyed in subjective terms. There are some evils which all men recognize but which do not lend themselves to expression in precise and concrete terms or to enforcement by law. A good example of this kind of moral precept is, Thou shalt not covet thy neighbor's goods. However appropriate this precept may be as a moral law, it would be inappropriate for a secular government to enact and impossible for it to enforce.

The courts recognize the inherent ambiguity of some laws, as, for instance, in the case of negligence. It is theoretically undesirable and practically impossible to write a law contemplating all of the diverse and unique circumstances in which a man might be judged negligent. And even when all of the facts of a particular case are known, to decide whether a man's conduct was negligent, you must still ask the question, How would a reasonable and prudent man have acted under those exact circumstances? The final test is a decision by a judge and jury who must apply an inexpressible, yet recognizable rule of reason.

Standards III, IV, and V of the code, prohibiting compensation for improperly exerted influence, gifts of substantial value from any source having a direct interest in legislation and honoraria beyond the usual and customary value for the service rendered, are meant to deal with areas of potential conflicts of interest.

While some conflicts of interest are clearly wrong and are accordingly proscribed in the Criminal Code as well as in other rules and regulations, there are others which are not susceptible to such treatment. Standards III, IV, and V of the code fall into this category. The "usual and customary value" for a speech, for example, varies according to the particular situation. Whether a gift is of "substantial value" depends on its worth to the recipient and cannot be decided on the basis of dollar value alone. One hundred dollars may mean a great deal to one man and nothing to the next. Moreover, one cannot fix exact criteria for "direct interest" or decide when "influence is improperly exerted" without taking into account the particular circumstances.

By laying down rules that are too specific, we run the risk of giving our blessing, by implication, to the receipt of anything that falls outside of those rules. As Lord Sumner said in the case of Levene against Inland Revenue Commissioners:

They incur no legal penalties and, strictly speaking, no moral censure if, having considered the lines drawn by the legislature, they make it their business to walk outside them. (A.C. 217, 227.)

The same thought is echoed in a comment by Howard Brubaker:

J. P. Morgan ridicules Congress for being too dumb to lay down an air-tight revenue law. Most of us pay what we are told, and one man's tax is another man's loophole (13 New Yorker, June 19, 1937, p. 30).

Having considered the lines drawn, if a Member, officer, or employee chooses to walk outside them, what legal penalties or moral ceasure can he, strictly speaking, incur? A standard drawn too precisely might inadvertently seem to sanction conduct which, in the absence of such a standard, would be considered unethical.

The purpose of requiring financial disclosure is twofold: public disclosure of sources of income above a specified amount is designed to equip the voter with information so that he may properly assess whether the representative function is being compromised for personal gain; the private listing of amounts of income and assets above a specified amount would have a deterrent effect by serving as a reminder that conflicts of interest could arise.

While a Member's constitutents may be entitled to and usually do have an accurate picture of his financial holdings and professional involvements, it is important to keep in mind that no conclusions whatever can be derived from the mere fact that he has such holdings or associations. A Member's private interests and overall concern are usually inseparable from those of his constituency. It would be a mistake to infer, when his personal and public interests happen to coincide, that the former was the motivating factor in a vote cast or a service rendered. Here again, to determine whether a conflict of interest exists, the total context of relevant factors must be considered. Even then, it generally comes down to a question of intent, and only the individual can know his own motives.

For these reasons and many others, one can easily argue that the benefits of financial disclosure are negligible; that no matter how extensive the disclosure, it cannot provide the public with an adequate or realistic basis on which to evaluate conflicts of interest. It has been said that a little knowledge is a dangerous thing. If a man is going to be deliberately dishonest, and there have been few in the history of this body, he can always find loopholes. So that besides leaving the honest Member vulnerable to reckless and unwarranted allegations, disclosure could instead provide a smokescreen for the unscrupulous by giving the illusion of virtue. This is simply to point out that while guidelines are helpful, codes of ethics ultimately bind only the ethical.

The people have a right to integrity in their Congress. If it is true, as often charged, that the image of the Congress as a whole has been seriously tarnished by a few, and they have been few indeed, who have abused the power of their congressional offices, then we have a responsibility to restore the people's faith in the legislative process. I would like to say, however, that I, for one, believe that any lack of confidence is totally unjustified. During 22 years of observing the actions of this body, I have seen little except the most fundamental level of honesty and dedication.

Any lack of confidence that does exist is due mainly to the distortions of those critics who need only one case of an infraction of the public trust every decade—even the suggestion of a case will suffice—to imply that this is the rule rather than the exception. They are committing the obvious fallacy of attributing to the whole what may be true of only a fraction of the part.

The news media in particular have an obligation to report the facts accurately and avoid irresponsible contributions to the undermining of the people's trust in their Government. While it would not be considered newsworthy, a valuable contribution to confidence in the Congress could be made if the public were made aware of the unending hours of sincere and dedicated effort that goes into the legislative process, rather than hearing and reading only of the rare isolated instances of questionable conduct and dishonesty.

Mr. DORN. Mr. Chairman, may I congratulate and commend each member of the House Committee on Standards of Official Conduct. They have done, and are doing, an outstanding job. I want to commend the chairman, the gentleman from Illinois [Mr. PRICE], for so ably presiding over this committee.

I personally appeared before the committee on August 23 and made the following statement:

STATEMENT OF HON. W. J. BRYAN DORN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. DORN. Mr. Chairman and ladies and gentleman of the committee, it has been my privilege in hundreds of addresses throughout this Nation to defend the integrity, morality and ethics of the Congress. The conduct and ethical standards of Congress, as a whole, will compare favorably with any parliamentary body in the world or in the history of the world. No legislative body in the world or Government officials anywhere are more generally respected or have higher moral and ethical standards than the U.S. Congress and the U.S. officials here in Washington. The only Government officials and legislative bodies approaching the United States in moral and ethical conduct are those countries associated with England and the nations of northern Europe.

The Congress has had an illustrious history. The history of Congress began with the Continental Congress. That Congress unanimously elected George Washington Commander in Chief and we eventually won our independence. Had it made any other decision, I do not believe this Nation would have won its independence. That Congress created an army, a navy and a marine corps. Congress called for a Constitutional Convention out of which emanated the greatest document in world history. Congress called for a Bill of Rights which was adopted.

The Congress has made mistakes. The Congress has been both justly and unjustly criticized throughout the years, but it has remained the people's institution, directly responsible to the people, reflecting their hopes and aspirations. Congress has developed, both branches, into the greatest deliberative bodies in all the history of the world.

Recently Congress has come under severe attack largely because of the misconduct of a few of its members. This is an age of advertising and public relations when modern news media make news available almost instantly to almost every individual citizen throughout the country; therefore, a comparatively few and spectacular incidents have created for Congress an improper image. Reliable polls indicate that a majority of the American people believe the Members of the Congress are lacking in ethical standards and that a large percentage of the American people believe that Members of Congress are dishonest.

The United States is the leader of the free world. Should its Congress lose prestige—fairly or unfairly—it will affect the cause of freedom throughout the world. We are operating in a glass arena, with the world looking on.

Frankly, our image is not good. By the same means this bad image was created, we can create a good image, reassure the American people and reassure those who believe in parliamentary representation the world over. We can no longer delay reform.

The House of Representatives, elected every 2 years, is the most direct representation the American people have. Members of the House of Representatives are quite often the only real contact the sovereign American citizen has with the agencies and departments of the Federal Government. We have an obligation to represent those people "to the best of our ability." In order to best represent them and keep their confidence, the time has come for us to formulate and enforce high ethical standards for our own membership. Congress is already disciplined. We have many rules and regulations in existence now covering the conduct and activities of Members of the Congress, but we need to discipline ourselves still further and adopt a code of ethics and conduct for both members and candidates.

I recommend that the committee very seriously consider the creation of a permanent Committee on Ethics similar to those of the American Bar Association. This committee could receive any complaint, under oath, of any American citizen or group of citizens against any Member of Congress or any employee. This is nothing radically new. Wild public charges can be made against Members of Congress now. This would merely be an orderly and regulated way to bring complaints against the Members. Already under the Constitution any citizen has the right to petition Congress on any grievance. I believe the time has now arrived when we should create a permanent standing Committee on Ethics to perform this duty.

All Members of Congress should be required to file a detailed financial statement annually with the Committee on Ethics. This statement should show all assets and liabilities of both the Member and his wife and should include all outside income, gifts and honorariums in excess of $100, including automobiles and receipts from testimonial dinners. It should also include payments from the Federal Government such as soil bank payments, price supports, office rent, and reserve pay, et cetera.

I would urge the committee to recommend that the same standards of conduct and ethics apply to candidates for the House as for Members of the House. A candidate for the House, who is not an incumbent, should be required to file with the Clerk of the House a complete financial statement for himself, his spouse, and dependent children. This financial statement should include assets and liabilities, including all income, gifts, honorariums, et cetera, together with the names and addresses of the source, whether an individual or organization, for the 1-year period prior to his becoming a candidate for the House.

We should consider regulations which would prohibit nepotism. I would recommend that the committee carefully consider

legislation that would prohibit any public official from employing or recommending for employment any member of his immediate family or any close relative for employment in the Government in any department in which he is serving or over which he exercises jurisdiction or control. I make this recommendation realizing fully that some immediate members of the family have performed magnificently and rendered a great service to our country. I can think of Mrs. John Nance Garner and Mrs. Harry S. Truman as examples of devoted, dedicated public servants. However, we have had Members of the House who have flagrantly violated this privilege and employed members of their family who did not even reside in the United States and who did no work.

I have every confidence in the membership of this committee. I commend and thank you for serving on this committee in addition to your other committees and countless duties. The American people are grateful to you. Each of you in both parties is a warm personal friend with whom I have served for many years. It has been a privilege to serve with most of you for 19 years. I know you cherish, love, and respect this House. I know that your only concern is to see this House preserved and its image protected. I commend you and pledge you my complete cooperation in restoring the image of this House as the people's very own institution.

I further pledge you my cooperation and support in your efforts to create a code of ethics and a standard of conduct for the membership of the House.

Mr. Chairman, I do recommend that a complete financial disclosure be made by each Member annually to the Clerk of the House. I agree with General Eisenhower when he said:

All elected officials, particularly Members of Congress, should be required to make annual, certified accounting of their financial holdings.

If a man has nothing to conceal, why should he object? If better laws, vigorously enforced with pitiless publicity, are needed—and surely they are—we must still remember the wise old axiom that government can be no better than the men who govern. As citizens with the priceless right of franchise, we must insist upon the highest code of honor in public life.

Mr. PRICE of Illinois. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I use this brief time to ask some questions of the distinguished chairman of the committee.

I should like to find out whether, on page 9, line 6, when the words "instrument of ownership" are used, that means common and preferred stock.

Mr. PRICE of Illinois. I am sorry; I did not hear the question.

Mr. CELLER. Do the words "instrument of ownership" on page 9, line 6, mean common and preferred stock?

Mr. PRICE of Illinois. Yes, that does.

Mr. CELLER. Do the words "debt instrument" on page 9, line 13, embrace a debenture or mortgage?

Mr. PRICE of Illinois. Yes.

Mr. CELLER. But a convertible debenture would have to be listed?

Mr. PRICE of Illinois. That is correct.

Mr. CELLER. If I have stock in, let us say, General Motors, General Electric, or A.T. & T., which do substantial business with the Government, and the cost of that stock is over $5,000, I would have to list it?

Mr. PRICE of Illinois. The gentleman is correct—if the fair market value still is over $5,000.

Mr. CELLER. If the income from that stock on dividends is more than $1,000, I have to list it?

Mr. PRICE of Illinois. That is correct.

Mr. CELLER. To list the stock?

Mr. PRICE of Illinois. That is correct.

Mr. CELLER. As to part A.

Mr. PRICE of Illinois. Yes.

Mr. CELLER. If the value is less than $5,000 and the income is less than $1,000 I do not have to list it?

Mr. PRICE of Illinois. That is correct.

Mr. CELLER. When there is used the term "professional organization" on line 16, I take it, it means in a law firm, among other things?

Mr. PRICE of Illinois. The gentleman is correct. We mean a law firm or any other professional interest in that category.

Mr. CELLER. When the term is used on lines 22 and 23, "any income for services rendered exceeding $5,000," that would mean any business, would it not?

Mr. PRICE of Illinois. The gentleman is correct.

Mr. CELLER. Would it mean the income of a trustee of a trust fund?

Mr. PRICE of Illinois. Yes, it would.

Mr. CELLER. Would it mean the income of an executor of an estate?

Mr. PRICE of Illinois. Yes.

Mr. CELLER. In addition thereto, a person is a director of a mutual fund and he receives director's fees of $2,400 a year. Would he have to name the mutual fund?

Mr. PRICE of Illinois. If the components of the particular mutual fund do substantial business with the Government; yes, he would have to.

Mr. CELLER. But the fund itself does not directly do business with the Government, but does possess or own large chunks or blocks of stock of corporations that do business with the Government.

Mr. PRICE of Illinois. If the emphasis was on stock in companies doing substantial business it would be covered. If the greatest emphasis was on the stock of companies doing substantial business with the Government, yes.

Mr. CELLER. But a mutual fund itself does no business with the Government.

Mr. PRICE of Illinois. That is correct.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. We had quite a discussion about just straight ownership in mutual funds. The person who owns in a mutual fund has nothing to do with running the fund, but a director would have. The director of a mutual fund, as I understand it, could direct certain funds to go into certain operations that might be in connection with the Government.

Mr. CELLER. No. A director of a mutual fund arranges for the buying and selling of stocks of corporations which in turn may do business with the Government, but the mutual fund itself does not do business with the Government.

Mr. HALLECK. That is correct, but the stocks owned by the mutual fund and the ones acquired by the mutual fund are determined by the directors.

Mr. CELLER. Wait a minute, now. Be very careful on that. Suppose I am an owner of a mutual fund stock. Would I have to list my mutual fund stock?

Mr. HALLECK. No.

Mr. CELLER. Why should a director, then?

Mr. HALLECK. Because the owner has no control of it. The director does have.

Mr. CELLER. He has no control of the corporations that do business with the Government.

That is very important, and ought to be clarified. I think, however, a director of a mutual fund who receives in directors fees more than $1,000 a year may have to list the name of the fund under part A, line 15 through 19, page 9, regardless of any other provisions of the bill and list the income and name of the fund under part B.

The CHAIRMAN. The time of the gentleman from New York has expired.

All time of the gentleman from Illinois has expired.

The gentleman from Indiana has 3 minutes remaining.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield to me?

Mr. HALLECK. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I wish to ask a question to clear the meaning of "substantial business with the Government." As an example, the IBM Corp. is a very large corporation, but its business with the Government, I believe, is only about 3 percent of its entire business. Which would control the meaning of "substantial," the actual sum of money involved in IBM's deals with the Government, or the percentage?

Would the fact that IBM only deals to the extent of 3 percent of its business with the Federal Government mean that it is not substantial?

Mr. HALLECK. Just expressing my own opinion, as I said here, I have said time and again that when you start to spell this all out, you get into a lot of difficulty. First of all, you are going to have to determine that if you own some IBM stock, but you could say if I have more than $5,000, I will list it. However, if you concluded that it was not substantial, I do not think anybody would put you in jail or throw you out of here if you made a misjudgment about it. Personally, I do not think that 3 percent would be controlling.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman.

Mr. HOSMER. I had to step off the floor a moment ago and I wanted to get an answer as to the status of a trustee of a testamentary trust. Say a Member is a trustee of such a trust. Is he required to disclose in his disclosure the trust assets?

Mr. HALLECK. If it was an irrevocable trust, in my opinion, no conflict of interest could arise from it and he would not be expected to report it.

Mr. HOSMER. Let me ask you this: Suppose the terms of the trust creates a successive series of lifetime beneficiaries. It is a family testamentary trust and irrevocable. The first beneficiary is the sur-

viving spouse of the trustor, and the second a son who is also the trustee and a Member of this House, and the third and last beneficiaries are his children.

Mr. HALLECK. Are you the beneficiary of the trust or the trustee?

Mr. HOSMER. The Member who is the trustee would be the beneficiary of the second life estate, entitled to its income, but to none of its corpus.

Mr. HALLECK. Then, he would have an interest in it.

Mr. HOSMER. Until the time his parent dies and he comes into that or when he is acting as trustee of this testamentary trust?

Mr. HALLECK. I would say to him until it came to him he would have no interest in it at all except to find it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALLECK. Mr. Chairman, I yield myself 1 additional minute.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from New York.

Mr. CELLER. If there is a complaint filed, under what circumstances would the envelope that is sealed by the Member be opened? Must the complaint be bona fide, and who determines the bona fides of the complaint?

Mr. HALLECK. It is provided in this resolution that no complaint will be considered except that it be filed by a Member of the House of Representatives and in failing that it must have been refused by three Members of the House of Representatives before it will be considered by the committee.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

All time has expired.

The Clerk will read.

The Clerk read as follows:

Resolved, That House Resolution 418, Ninetieth Congress, is amended to read as follows:

"That clause 1 of rule X of the Rules of the House of Representatives is amended—

"(1) by redesignating paragraphs (r), (s), and (t) as paragraphs (s), (t), and (u), respectively; and

"(2) by inserting immediately after paragraph (q) the following new paragraph:

"'(r) Committee on Standards of Official Conduct, to consist of twelve Members as follows: Six members of the majority party and six members of the minority party.'

"SEC. 2. Rule XI of the Rules of the House of Representatives is amended—

"(1) by redesignating clauses 18 through 30 as clauses 19 through 31, respectively;

"(2) by inserting immediately after clause 17 the following new clause:

"'18. Committee on Standards of Official Conduct.

"'(a) Measures relating to the Code of Official Conduct.

"'(b) Measures relating to financial disclosure by Members, officers, and employees of the House of Representatives.

"'(c) The committee is authorized—

"'(1) to recommend to the House of Representatives, from time to time, such legislative or administrative actions as the committee may deem appropriate to establish or enforce standards of official conduct for Members, officers, and employees of the House of Representatives;

"'(2) to investigate, subject to paragraph (d) of this clause, any alleged violation, by a Member, officer, or employee of the House of Representatives, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities and, after notice and a hearing, shall recommend to the House of Representatives, by resolution or otherwise, such action as the committee may deem appropriate in the circumstances;

"(3) to report to the appropriate Federal or State authorities, with approval of the House of Representatives, any substantial evidence of a violation, by a Member, officer, or employee of the House of Representatives, of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in a committee investigation; and

"(4) to give consideration to the request of a Member, officer, or employee of the House of Representatives, for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, officer, or employee and, with appropriate deletions to assure the privacy of the individual concerned, to publish such opinion for the guidance of other Members, officers, and employees of the House of Representatives.

"'(d)(1) No resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, officer, or employee of the House of Representatives shall be made, and no investigation of such conduct shall be undertaken, unless approved by the affirmative vote of not less than seven members of the committee.

"'(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, officer, or employee of the House of Representatives only (A) upon receipt of a complaint, in writing and under oath, made by or submitted to a Member of the House of Representatives and transmitted to the committee by such Member, or (B) upon receipt of a complaint, in writing and under oath, directly from an individual not a Member of the House of Representatives if the committee finds that such complaint has been submitted by such individual to not less than three Members of the House of Representatives who have refused, in writing, to transmit such complaint to the committee.

"'(3) No investigation shall be undertaken of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

"'(4) A member of the committee shall be ineligible to participate, as a member of the committee, in any committee proceeding relating to his official conduct. In any case in which a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker of the House of Representatives shall designate a Member of the House of Representatives from the same political party as the ineligible member of the committee to act as a member of the committee in any committee proceeding relating to the official conduct of such ineligible member.

"'(e) For the purpose of carrying out the foregoing provisions of this clause, the committee, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.';

"(3) by inserting immediately before 'the Committee on Veterans' Affairs' where it appears in clause 22, as so redesignated by paragraph (1) of this section, the following: 'the Committee on Standards of Official Conduct—on resolutions recommending action by the House of Representatives with respect to an individual Member, officer, or employee of the House of Representatives as a result of any investigation by the committee relating to the official conduct of such Member, officer, or employee of the House of Representatives;';

"(4) by striking out 'paragraph 26' in clause 27(j), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof 'clause 27'; and

"(5) by inserting immediately after 'Rules,' where it appears in clause 31, as so redesignated by paragraph (1) of this section, the following: 'on Standards of Official Conduct,'.

"SEC. 3. Clause 2 of Rule XIII of the Rules of the House of Representatives is amended by striking out 'clause 21' and inserting in lieu thereof 'clause 22'.

"SEC. 4. (a) The Rules of the House of Representatives are amended by adding at the end thereof the following new rules:

"'RULE XLIII

"'CODE OF OFFICIAL CONDUCT

"'There is hereby established by and for the House of Representatives the following code of conduct, to be known as the "Code of Official Conduct":

"'1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

"'2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

"'3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

"'4. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress.

"'5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

"'6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

"'7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

"'8. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

"'As used in this Code of Official Conduct of the House of Representatives—

"'(a) the terms "Member" and "Member of the House of Representatives" include the Resident Commissioner from Puerto Rico; and

"'(b) the term "officer or employee of the

House of Representatives" means any individual whose compensation is disbursed by the Clerk of the House of Representatives.

"'RULE XLIV

"'FINANCIAL DISCLOSURE

"'Members, officers, principal assistants of Members and officers, and professional staff members of committees shall, not later than April 30, 1969, and by April 30 of each year thereafter, file with the Committee on Standards of Official Conduct a report disclosing certain financial interests as provided in this rule. The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting. The report shall be in two parts as follows:

"'Part A

"'1. List the name, instrument of ownership, and any position of management held in any business entity doing a substantial business with the Federal Government or subject to Federal regulatory agencies, in which the ownership is in excess of $5,000 fair market value as of the date of filing or from which income of $1,000 or more was derived during the preceding calendar year. Do not list any time or demand deposit in a financial institution, or any debt instrument having a fixed yield unless it is convertible to an equity instrument.

"'2. List the name, address, and type of practice of any professional organization in which the person reporting, or his spouse, is an officer, director, or partner, or serves in any advisory capacity, from which income of $1,000 or more was derived during the preceding calendar year.

"'3. List the source of each of the following items received during the preceding calendar year:

"'(a) Any income for services rendered (other than from the United States Government) exceeding $5,000.

"'(b) Any capital gain from a single source exceeding $5,000, other than from the sale of a residence occupied by the person reporting.

"'(c) Reimbursement for expenditures (other than from the United States Government) exceeding $1,000 in each instance. Campaign receipts shall not be included in this report.

"'Information filed under part A shall be maintained by the Committee on Standards of Official Conduct and made available at reasonable hours to responsible public inquiry, subject to such regulations as the committee may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each person examining information filed under part A and regulations requiring the committee promptly to notify each Member of the House of Representatives of each instance of an examination of information filed under part A by such Member.

"'Part B

"'1. List the fair market value (as of the date of filing) of each item listed under paragraph 1 of part A and the income derived therefrom during the preceding calendar year.

"'2. List the amount of income derived from each item listed under paragraphs 2 and 3 of part A.

"'The information filed under this Part B shall be sealed by the person filing and shall remain sealed unless the Committee on Standards of Official Conduct, pursuant to its investigative authority, determines by a vote of not less than seven members of the committee that the examination of such information is essential in an official investigation by the committee and promptly notifies the Member concerned of any such determination. The committee may, by a vote of not less than seven members of the committee, make public any portion of the information unsealed by the committee under the preceding sentence and which the committee deems to be in the public interest.

"'Any person required to file a report under this rule who has no interests covered by any of the provisions of this rule shall file a report so stating.

"'In any case in which a person required to file a sealed report under part B of this rule is no longer required to file such a report, the committee shall return to such person, or his legal representative, all sealed reports filed by such person under part B and remaining in the possession of the committee.

"'As used in this rule—

"'(1) the term "Members" includes the Resident Commissioner from Puerto Rico; and

"'(2) the term "committees" includes any committee or subcommittee of the House of Representatives and any joint committee of Congress, the expenses of which are paid from the contingent fund of the House of Representatives.'

"(b) Paragraph (a) of clause 16 of Rule XI of the Rules of the House of Representatives is amended by striking out 'rules, joint rules' and inserting in lieu thereof 'rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct or relating to financial disclosure by a Member, officer, or employee of the House of Representatives)'."

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 84]

Ashley	Hagan	Rosenthal
Conyers	Hansen, Idaho	Roth
Dent	Holland	Scheuer
Devine	King, Calif.	Selden
Diggs	Matsunaga	Sisk
Dowdy	Moore	Stubblefield
Everett	Patman	Teague, Tex.
Green, Oreg.	Poage	Tunney
Gurney	Resnick	

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 1099, and finding itself without a quorum, he had directed the roll to be called, when 406 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 10, strike lines 8 through 18 and insert in lieu thereof the following:

"Information filed under part A shall be maintained by the Committee on Standards of Official Conduct and made available at reasonable hours to responsible public inquiry, subject to such regulations as the committee may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each person examining information filed under part A, and the reason for each such inquiry.

"The committee shall promptly notify each person required to file a report under this rule of each instance of an examination of his report. The committee shall also promptly notify a Member of each examination of the reports filed by his principal assistants and of each examination of the reports of professional staff members of committees who are responsible to such Member."

The committee amendment was agreed to.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the committee for its work on the report that it has brought in and point out to the House and to the Committee of the Whole that in law there are two main areas, one being substantive law and the other being procedure.

Substantive law means "thou shalt not do a thing and, if you do, you will receive the following maximum penalty." I think that the committee has done a good job in saying what "thou shalt not do." Perhaps it has not done the full job in stating what the maximum penalties will be, so that a Member of Congress can view with certainty what liability he might incur if he did a certain act.

The second phase of the law, procedure, outlines the method by which we determine if a person does the sort of thing prohibited. In this area, I think that there remains work to be done. Mankind has a lot of history behind it to tell him about the administration of equal justice under law. We ought to know by now that only by agreeing on the rules before the identity of the accused is known can we be sure that the rules will not be tailored on the spot for the purpose of favoring or oppressing the accused, depending on his popularity at the time of his trial.

This is true with respect to all citizens, including government officials. Government officials should neither be above nor below this basic law of our society.

Therefore, I have suggested to the ethics committee that the House adopt specific rules spelling out what conduct will result in what maximum punishment on the part of and to Members and Members-elect.

To be sure, sufficient experience and demonstrated need have already occurred for this committee to act in such substantive areas as conflicts in interests, public disclosures, and certain criminal convictions. But those rules must be enacted before the House can ever be said to have dealt entirely fairly with any respondent Member in the matter of discipline.

The alternative is the make-it-up-as-you-go-along curse of rule by man rather than by law when dealing with an accused Member or Member-elect.

Finally, with respect to procedure, once substantive proscription has been achieved with reference to a given activity concerning House service, the manner in which a Member can be ac-

cused and tried, and by whom, should be spelled out in advance.

In the absence of standing procedures, it is difficult to avoid the ridiculous inconsistency of granting to one respondent Member of Congress the right of cross-examination and denying that right to another.

I believe action of discipline or expulsion should be commenced against a Member or Member-elect of Congress only by affidavit filed with the Clerk, specifically and with certainty charging the Member with violation of a specific and certain House rule of official behavior.

I believe the complaining witness or witnesses should be required to face the accused and his cross-examination before an investigating committee—and I believe that the committee as in the case of a grand jury or as in the case of any prosecuting authority should first determine the efficacy and probable cause of that affidavit before proceedings are taken pursuant to it.

I believe both the committee and accused should be empowered to subpena witnesses and records; to cross-examine and to be represented by counsel.

And I believe the respondent Member should be accorded the other traditional elements of due process, both during the proceedings of the investigating committee and during trial by the House upon the filing of the committee's report.

Though I am not sure what form the rule might take, I believe you should look into the possibility of providing for disqualification, for cause, of nonrespondent House Members who otherwise might sit in judgment.

Mr. PETTIS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PETTIS. Mr. Chairman, I rise in support of House Resolution 1099 which is being considered by the Committee today. I believe the committee, after lengthy and considered hearings and study, has produced a worthwhile legislative recommendation. I trust it will receive the overwhelming approval of this body.

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer an mendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS: On page 8, after line 9, add the following:

"The provisions of this rule and rule XLIV of the Rules of the House of Representatives shall apply with respect to employers of individuals admitted to the various Press Galleries of the House of Representatives (under regulations prescribed by the Speaker of the House of Representatives pursuant to rule XXXIV) in the same manner and to the same extent as they apply to officers and employees of the House of Representatives."

Mr. PRICE of Illinois. Mr. Chairman, I make a point of order against the amendment, but will reserve the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. PRICE] reserves a point of order against the amendment.

The gentleman from Ohio [Mr. HAYS] is recognized to speak on his amendment.

Mr. HAYS. I thank the gentleman from Illinois for the point of order. I will make my pitch and then speak to the point of order later, if he really pushes it.

Mr. Chairman, this is a very simple amendment. All it does is to apply the same rules of disclosure—not to the gentlemen in the Press Gallery but to the employers of individuals in the Press Gallery. I think it is eminently fair and just.

I believe it is particularly fair that this should apply to those who have a great deal more power to influence people than the individual Members of the House of Representatives. It might be interesting to know what their assets are, where their stock holdings are, and why they print certain things that they do, and why they write certain editorials.

It just seems to me if we are going to sanitize this body that we ought not have any germs falling down upon us from upstairs.

I do not believe any of the fine correspondents up there have any diseases that they might pass, but some of them could be carriers from their employers.

So, Mr. Chairman, I would like to see this amendment adopted. I believe it is a good amendment to the rules of the House, and I hope the gentleman will not press his point of order. I believe the House would like to adopt this amendment unanimously.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I am pleased to note the solicitude of the gentleman from Ohio for the Members of the House who will be here next year. The gentleman from Ohio is on his way to other places, as I understand it.

Mr. HAYS. The gentleman is frequently a good prognosticator, and I sincerely hope that his prognostication is correct in this instance.

Let me say further that although the House is not a home, that if I go down to the building at the other end of the street, that I will always have a warm spot in my heart for not only the House, but the Members of the House. And I will make it a campaign pledge right now that my Cabinet will not contain any Members of the other body, but it may contain some from this body.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. JOELSON. I know it is not customary for anybody to seek the Vice-Presidency, but if the gentleman is looking for a running mate from the East, I might be available.

Mr. HAYS. I will have to assess my position with all the minority groups, and the gentleman may very well be in the running—I cannot tell.

Mr. PRICE of Illinois. Mr. Chairman, may I be heard on my point of order?

The CHAIRMAN. The gentleman from Illinois will be heard on his point of order.

Mr. PRICE of Illinois. Mr. Chairman, I make the point of order, based upon the fact that under House Resolution 418 the jurisdiction of this committee was spelled out. Section 2 of that resolution reads:

The jurisdiction of the committee shall be to recommend as soon as practicable to the House of Representatives such changes in laws, rules and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House.

That is the limit of the jurisdiction of this committee, and I insist on my point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. HAYS. Mr. Chairman, I submit that what the gentleman from Illinois says is true, and that this committee was set up to report to the House changes in laws and rules of the House of Representatives, and I would say further that nobody can be accredited to the Press Gallery unless they are accredited under the rules of the House, which rules delegate such accreditation, as I understand, to the Speaker of the House of Representatives, and therefore certainly this is one of the rules of the House, and the House would certainly have jurisdiction over their own rules.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The resolution under consideration applies specifically to the Members of the House of Representatives and officers and employees of the House.

The amendment offered by the gentleman from Ohio [Mr. HAYS] applies to individuals who are not under the employ of the House of Representatives, and therefore is not germane to this resolution.

The Chair sustains the point of order raised by the gentleman from Illinois [Mr. PRICE].

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER:

"RULE XLIII

"CODE OF OFFICIAL CONDUCT

"There is hereby established by and for the House of Representatives the following code of conduct, to be known as the 'Code of Official Conduct':

"1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

"2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the Rules of duly constituted committees thereof.

"3. No Member of the House of Representatives or any officer or employee of the House of Representatives may be an officer, director, or partner, or hold a controlling interest or any managerial position in any business or financial venture, enterprise or combination which is—

"(a) engaged in any lobbying activity;

"(b) engaged for compensation in the practice of rendering advisory or public relations services relating to the securing of contracts with the United States or any department, agency, or instrumentality thereof;

"(c) engaged in, or seeking to become engaged in, the performance of any construc-

tion, manufacturing, research, development, or service contract with the United States or any department, agency, or instrumentality thereof.

"(4) No Member of the House of Representatives or any officer or employee of the House of Representatives may accept—

"(a) at any time from any individual, entity, or enterprise which is engaged in lobbying activity any gift of money, property, entertainment, travel, or any other valuable consideration in an amount or having a value in excess of $100; or

"(b) within any calendar year from any such individual, entity, or enterprise such gifts in an aggregate amount or having an aggregate value in excess of $100.

"5. No officer or employee of the House of Representatives shall engage in any business, financial or professional activity or employment for compensation or gain unless—

"(a) such activity or employment is not inconsistent with the conscientious performance of his official duties; and

"(b) express permission has been granted by the Member of the House of Representatives charged with supervision of such officer or employee by this rule.

"6. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

"7. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

"8. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

"9. A Member of the House of Representatives or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State law, to the office of Representative in Congress may accept a contribution from—

"(a) a fundraising event organized and held primarily in his behalf, provided—

"(1) he has expressly given his approval of the fundraising event to the sponsors before any funds were raised; and

"(2) he receives a complete and accurate accounting of the source, amounts and disposition of the funds raised; or

"(b) an individual or an organization, provided the Member makes a complete and accurate accounting to the clerk of the House of the source, amount, and disposition of the funds received; or

"(c) his political party when such contributions were from a fund-raising event sponsored by his party, without giving his express approval for such fund-raising event when such fund-raising event is for the purpose of providing contributions for candidates of his party and such contributions are reported by the Member or candidate for Member of the House of Representatives as provided in paragraph (b).

"(d) The Member may use the contribution only to influence his nomination for election, or his election, and shall not use, directly or indirectly, any part of any contribution for any other purpose.

"10. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

"As used in this Code of Official Conduct of the House of Representatives—

"(a) the terms 'Member' and 'Member of the House of Representatives' include the Resident Commissioner from Puerto Rico;

"(b) the term 'officer or employee of the House of Representatives' means any individual whose compensation is disbursed by the Clerk of the House of Representatives; and

"(c) the term 'lobbying activity' means any activity undertaken for consideration by any person other than a Member of the Congress to influence directly or indirectly the introduction, passage, defeat, amendment, or modification of any legislative measure in either House of the Congress.

"For the purposes of this Code of Official Conduct of the House of Representatives—

"(a) each Member of the House of Representatives shall be charged with the supervision of each of his employees;

"(b) each Member of the House of Representatives who is chairman or co-chairman of a House or joint committee or subcommittee shall be charged with the supervision of each employee of such committee or subcommittee;

"(c) the Majority Leader shall be charged with the supervision of each officer and employee of the Majority, and the Minority Leader shall be charged with the supervision of each officer and employee of the Minority;

"(d) The Speaker of the House shall be charged with the supervision of each of his employees.

"RULE XLIV

"DISCLOSURE OF FINANCIAL INTERESTS

"1. Each individual who at any time during any calendar year serves as a Member of the House of Representatives, or as an officer or employee of the House of Representatives compensated at a gross rate in excess of $10,000 per annum, shall file with the Committee on Standards of Official Conduct for that calendar year a written report containing the following information:

"(a) The fair market value of each asset having a fair market value of $5,000 or more held by him, or by his spouse, or by him and his spouse jointly, exclusive of any dwelling occupied as a residence by him or by members of his immediate family, at the end of that calendar year;

"(b) The amount of each liability in excess of $5,000 owed by him or by his spouse, or by him and his spouse jointly at the end of that calendar year;

"(c) The total amount of all capital gains realized, and the source and amount of each capital gain realized in any amount exceeding $5,000, during that calendar year by him or by his spouse, by him and his spouse jointly, or by any person acting on behalf or pursuant to the direction of him or his spouse, or him and his spouse jointly, as a result of any transaction or series of related transactions in securities or commodities, or any purchase or sale of real property or any interest therein other than a dwelling occupied as a residence by him or by members of his immediate family;

"(d) The source and amount of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by or accruing to him, his spouse, or from him and his spouse jointly from any source other than the United States during that calendar year, which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, or other facilities received by him in kind;

"(e) The name and address of any professional firm which engages in practice before any department, agency or instrumentality of the United States in which he has a financial interest; and the name, address, and a brief description of the principal business of any client of such firm for whom any services involving representation before any department, agency or instrumentality of the United States which were performed during that calendar year, together with a brief description of the services performed, and the total fees received or receivable by the firm as compensation for such services;

"(f) The name, address, and nature of the principal business or activity of each business or financial entity or enterprise with which he was associated at any time during that calendar year as an officer, director, or partner, or in any other managerial capacity.

"2. Each asset consisting of an interest in a business or financial entity or enterprise which is subject to disclosure under clause 1 shall be identified in each report made pursuant to that clause by a statement of the name of such entity or enterprise, the location of its principal office, and the nature of the business or activity in which it is principally engaged or with which it is principally concerned, except that an asset which is a security traded on any securities exchange subject to supervision by the Securities and Exchange Commission of the United States may be identified by a full and complete description of the security and the name of the issuer thereof. Each liability which is subject to disclosure under clause 1 shall be identified in each report made pursuant to that clause by a statement of the name and the address of the creditor to whom the obligation of such liability is owed.

"3. Except as otherwise hereinafter provided, each individual who is required by clause 1 to file a report for any calendar year shall file such report with the Committee on Standards of Official Conduct not later than January 31 of the next following calendar year. No such report shall be required to be made for any calendar year beginning before January 1, 1967. The requirements of this rule shall apply only with respect to individuals who are Members of the House of Representatives or officers or employees of the House of Representatives on or after the date of adoption of this rule. An individual who ceases to serve as a Member of the House of Representatives or as an officer or employee of the House of Representatives, before the close of any calendar year shall file such report on the last day of such service, or on such date not more than three months thereafter as the Committee on Standards of Official Conduct may prescribe, and the report so made shall be made for that portion of that calendar year during which such individual so served. Whenever there is on file with the Committee on Standards of Official Conduct a report made by any individual in compliance with clause 1 for any calendar year, the Committee may accept from that individual for any succeeding calendar year, in lieu of the report required by clause 1, a certificate containing an accurate recitation of the changes in such report which are required for compliance with the provisions of clause 1 for that succeeding calendar year, or a statement to the effect that no change in such report is required for compliance with the provisions of clause 1 for that succeeding calendar year.

"4. Reports and certificates filed under this rule shall be made upon forms which shall be prepared and provided by the Committee on Standards of Official Conduct, and shall be made in such manner and detail as it shall prescribe. The Committee may provide for the grouping within such reports and certificates of items which are required by clause 1

to be disclosed whenever it determines that separate itemization thereof is not feasible or is not required for accurate disclosure with respect to such items. Reports and certificates filed under this rule shall be retained by the Committee as public records for not less than six years after the close of the calendar year for which they are made, and while so retained shall be available for inspection by members of the public under such reasonable regulations as the Committee shall prescribe.

"As used in this rule—

"(a) The term 'asset' includes any beneficial interest held or possessed directly or indirectly in any business or financial entity or enterprise, or in any security or evidence of indebtedness, but does not include any interest in any organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code;

"(b) The term 'liability' includes any liability of any trust in which a beneficial interest is held or possessed directly or indirectly;

"(c) The term 'income' means gross income as defined by section 61 of the Internal Revenue Code of 1954;

"(d) The term 'security' means any security as defined by section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

"(e) The term 'commodity' means any commodity as defined by section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

"(f) The term 'dealing in securities or commodities' means any acquisition, transfer, disposition, or other transaction involving any security or commodity;

"(g) The term 'Member of the House of Representatives' includes the Resident Commissioner from Puerto Rico;

"(h) The term 'officer or employee of the House of Representatives' means (1) an elected officer of the House of Representatives who is not a Member of the House of Representatives, (2) an employee of the House of Representatives or of any committee or subcommittee of the House of Representatives, (3) the Legislative Counsel of the House of Representatives and employees of his office, (4) an Official Reporter of Debates of the House of Representatives and any person employed by the Official Reporters of Debates of the House of Representatives in connection with the performance of their official duties, (5) a member of the Capitol Police force whose compensation is disbursed by the Clerk, (6) the Coordinator of Information and employees in his office, (7) employees in the Office of Official Reporters to House Committees, (8) an employee of a Member of the House of Representatives if such employee's compensation is disbursed by the Clerk, (9) an employee of a joint committee of the Congress whose compensation is disbursed by the Clerk, and (10) any other person whose salary for official duties is disbursed by the Clerk."

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. HAYS. I object. I would like to know what the amendment is.

The CHAIRMAN. Objection is heard.

The Clerk proceeded to read the amendment.

Mr. HALLECK (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. OTTINGER. Mr. Chairman, I first want to commend the Committee on Standards of Official Conduct for the good start it has made resolving complex problems of establishing standards of official conduct under trying circumstances. The resolution the committee has brought before us today represents progress in establishing ethical standards of official conduct that will increase public confidence in the House of Representatives as an institution and provide better guidelines for its Members.

The amendment I offer today is not in any way intended as criticism of the committee, its resolution, or any Member's conduct. Rather, it is an attempt to build on the committee's work. Its proposals are contained in bills I introduced in the 89th and 90th Congresses. Its provisions are similar to those made in the other body on a bipartisan basis by Senators HART, CLARK, COOPER, CASE, JAVITS, and others.

My amendment retains most of the code of official conduct as set forth in the committee resolution. It retains its basic methods of operation and protections of Members against unfair harassment. It adds specifics to the code of conduct for better guidance to the Members, and it extends the financial disclosure requirements. It proposes four new sections to the bill, sections 3, 4, 5, and 9, and adopts the rest of the committee resolution intact.

Sections 1 and 2 are identical to sections 1 and 2 of the committee resolution.

Sections 3, 4, and 5 deal with conflicts of interest, imposing specific standards.

Section 3 would prohibit Members of Congress, officers, and employees of the House from occupying positions of major influence with organizations or firms engaged in lobbying activities or doing business with the Government. This replaces the more general provisions of section 3 of the committee resolution.

Section 4 would prohibit members, officers, and employees of the House from accepting any gift in excess of $100 from a lobbyist. It replaces section 4 of the committee resolution which relates to gifts of "substantial value" instead of specifying the amount.

Section 5 limits the outside business and professional activities of officers and employees of the House to those consistent with their official duties and requires the express approval of the Member or appropriate supervisor.

Sections 6, 7, and 8 are identical to section 5, 6, and 7 of the committee resolution.

Section 9 makes clear the responsibility of a Member or a candidate for Congress, for funds raised in behalf of his campaign. It also restricts the use of campaign funds to campaign purposes.

Section 10 is identical to section 8 of the committee resolution.

My amendment also includes a provision for full financial disclosure more complete than the committee resolution. It is similar to the amendment sponsored in the other body by Senators CLARK and CASE—an amendment which was defeated by only four votes. It is a provision I introduced in the form of a bill in the 89th Congress and reintroduced in the 90th Congress as H.R. 5468.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HALLECK. Mr. Chairman, what was the request?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 2 additional minutes.

Mr. HALLECK. Mr. Chairman, reserving the right to object, I am not going to object to these 2 minutes. We have all had copies of this amendment. It is not going anywhere. I am not going to object to this, but I am going to object to any more extensions.

Mr. ROBERTS. Mr. Chairman, I reserve the right to object in order to ask a question.

The CHAIRMAN. The gentleman from Texas reserves the right to object.

Mr. ROBERTS. Mr. Chairman, under the gentleman's amendment, if the gentleman went back and campaigned and came back to the Congress, would the gentleman be allowed to be a Member of this House. Would he be under the limit of expenditures?

Mr. OTTINGER. Mr. Chairman, I reported all of my expenditures. But the question is irrelevant. Neither the bill nor my amendment pertains to reporting of campaign receipts or expenditures or any limits on them. The gentleman knows this, I am sure, and his innuendo is unnecessary if not improper.

Mr. ROBERTS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there further objection to the request of the gentleman from New York?

If not, the gentleman will proceed for an additional 2 minutes.

There was no objection.

Mr. OTTINGER. Mr. Chairman, briefly, this provision applies to each Member and each officer of the House or congressional staff member earning $10,000 a year or more. It requires annual disclosure of all assets and liabilities of the Member and his spouse having a fair market value of $5,000 or more, including capital gains, not just holdings in firms doing substantial business with the Government; the source and amount of each item of income; the identity of any professional association with a law firm or other professional firm practicing before any department or agency of the Federal Government; and the identity of each business enterprise with which he is associated in any managerial capacity. These disclosure reports would be filed with the Committee on Standards of Official Conduct as provided in the committee resolution. All this information would be available to the public, however, eliminating the sealed submission provisions of the committee resolution. While revelation of this information may seem an undue invasion of privacy to some, I feel a public official loses his right to such a claim of privacy. If a Representative has financial interests that

might conflict with his official duties, the public has a right to know those interests and their extent. One of the burdens of public trust is loss of the right to keep confidential such information. And full disclosure is the Member's best protection against accusations of improper conduct. Ever since I was elected, I have voluntarily filed such a statement with the Clerk of the House.

These disclosure requirements are still nowhere as stringent conflict-of-interest provisions as Congress has applied to the Executive. I am sure all of you remember the great financial sacrifices which were required of Charles Wilson and Robert McNamara as conditions of their undertaking the job of Secretary of Defense. No such divestment is required here—merely, full disclosure. I think this is reasonable.

I offer this amendment to provide more precise guidelines for official conduct. It is intended to be helpful to all Members of Congress, not as criticism of their conduct. I believe it adds to the fine work of the committee. I urge its adoption.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would strike out all language from line 14, page 6 through line 21 on page 12. It is a broad amendment, and it has not been offered previously to the committee for consideration. No one has had an opportunity to give previous study to it. I think it would be rather risky business for the House to adopt the amendment. I, therefore, urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. OTTINGER].

The amendment was rejected.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, would like to compliment the members of the committee and the chairman for an outstanding piece of work.

I was one of those who testified before the committee. I made a number of proposals which would have gone considerably further than the committee has gone. However, I recognize the realities of the situation and I recognize that probably the Members are not prepared to accept the more extensive recommendations which I made to the committee.

I believe the committee report has gone about as far as this House is prepared to go.

I have asked for the floor, Mr. Chairman, to ask the chairman of the committee if he could clarify one or two points which seem to me somewhat ambiguous in the bill.

First, on the top of page 9, where there is reference to the interest of a spouse, would it be correct to say that the phrase "if constructively controlled by the person reporting" applies to the word "spouse" as well as to the words "any other party"?

I yield to the chairman of the committee.

Mr. PRICE of Illinois. The purpose of the language is to cover the situation where the person reporting, a Member reporting or an officer or an employee, could have an opportunity, by improper action, through the influence of his office, to permit income to accrue to his own personal use.

Mr. BINGHAM. I believe I understand the purpose, but I am not quite clear. Would the interest of the spouse be automatically included in this provision, or only when that interest is constructively controlled by the person reporting?

Mr. PRICE of Illinois. I would say not automatically, only in the instance the gentleman stated.

Mr. BINGHAM. I thank the gentleman.

I have a further question as to line 7 of the same page, with reference to "business entity" and "subject to Federal regulatory agencies." Would that include, for example, a State bank, whose deposits are regulated by the FDIC?

Mr. PRICE of Illinois. Yes, it would.

Mr. BINGHAM. I thank the gentleman.

I have a further question with regard to paragraph 3 on page 7. I am a little puzzled by the use of the word "improperly" on line 8, for the reason I assume that the committee is not suggesting the opposite.

This is section 3 on page 7, which reads:

A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

My question here is as to the significance of the word "improperly." I presume the committee is not suggesting it is all right for a Member to obtain compensation for influence which is properly exerted; in other words, let us say, to be paid for a speech to be made on the floor of the House, which is a proper exercise of his influence, for which he should not be paid.

Mr. PRICE of Illinois. Of course not. I do not believe we could go so far as to say that, on the "improperly." We could visualize instances where income could accrue to a Member as a result of proper business activities. If he used his political influence, the influence of his position as a Member, to make pecuniary gains, I believe that would be improperly done. Also we had to be careful not to prohibit a Member from drawing his proper congressional salary and allowances.

Mr. BINGHAM. I am still a little puzzled by the use of the word, because it seems to me unnecessary, but I do not want to offer an amendment to delete it.

Mr. PRICE of Illinois. It may have been a poor choice of words; I do not know; but it was to make it clear it was possible for him to receive a salary.

Let me read the paragraph:

A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

And of course he would still be able to receive his compensation as a Member.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HALLECK. Mr. Chairman, I object.

Mr. BUCHANAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before debate ends on this legislation, I would like to say a word about the present state of ethics in this body. This may constitute what the attorneys would call a self-serving declaration, but in my judgment it does reflect the truth, the whole truth, and nothing but the truth about the Members of the House.

Having been a minister for 17 years and having served as a church pastor for almost a decade prior to my own election, I have never been a part of a more honorable, a more ethical or a more responsible body than the U.S. House of Representatives. We are a representative body and hence reflect nothing more or less than what the people of America are. We reflect their virtues and their weaknesses, their pragmatism, and their idealism.

Our friends of the press, and the public as well, might well be reminded that whatever measure of hypocrisy or demagoguery or chicanery may be found here, one can also find, and in full measure, the bedrock integrity of the American people made evident in the lives of their elected Representatives. In the Members of this House there are reflected the faith, the character, the courage, and the patriotism of the American people. In these troubled times, as through all the years, this remains the hope and the strength of a great Republic.

AMENDMENTS OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. REID of New York: On page 8, line 1, after "7.", strike out everything from line 1 through line 5 and insert the following in lieu thereof:

"A Member of the House of Representatives shall not permit a testimonial dinner to be held for the purpose of obtaining contributions to his campaign or for the purpose of raising funds for his personal use or for any other purpose, nor shall he accept the proceeds of any such dinner held with or without his consent."

Page 8, line 20, strike out everything after "Rule XLIV" through page 12, line 4, and insert in lieu thereof the following:

"DISCLOSURE OF GIFTS, INCOME AND CERTAIN FINANCIAL INTERESTS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

"1. Each Member of the House of Representatives (including the Resident Commissioner), and each officer and employee of the House who is compensated at a rate in excess of $15,000 per annum shall file annually with the Committee on Standards of Official Conduct (the "Committee") a report

containing a full and complete statement of—

"(a) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value;

"(b) the value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owed by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

"(c) all transactions in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year;

"(d) all purchases and sales of real property or any interest therein, other than a personal residence, by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year; and

"(e) the names of all corporations, firms, partnerships or other business enterprises and all foundations or other institutions with which he or his spouse is affiliated as an employee, officer, director, trustee, partner or consultant.

"2. For purposes of section 1—

"(a) the items reported pursuant to subparagraph (a) thereof need not include alimony and separate maintenance payments;

"(b) the items reported pursuant to subparagraph (b) thereof under the heading of 'assets' need not include his personal residence or any asset with a fair market value of less than $2,500; and

"(c) the items reported pursuant to subparagraph (b) under the heading of 'liabilities' need not include liabilities incurred by reason of a mortgage on property occupied as his personal residence, by reason of the purchase of an automobile employed for his personal use or by reason of a loan or loans for current and ordinary household and living expenses not in excess of $1,000 in the aggregate.

"3. Reports required by section 1 shall be in such form and detail as the Committee may prescribe and shall be filed not later than April 30 of each year.

"4. All reports filed under section 1 shall be maintained by the Committee as public records which, under such reasonable regulations as the Committee shall prescribe, shall be available for inspection by members of the public.

"5. Whenever a Representative, or an officer or employee of the House of Representatives, violates any provision of this Rule, the Committee shall recommend to the House of Representatives such disciplinary or punitive measures as it may deem necessary or appropriate and such measures shall become effective against such Representative or officer or employee upon a two-thirds vote of the members of the House of Representatives present and voting."

Mr. REID of New York (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendments be dispensed with and that they be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Chairman, first I would like to say as sincerely as I can how much I, as one Member, have valued the opportunity of appearing before the Committee on Rules and before the Committee on Standards of Official Conduct. I know how difficult a task this was. I know how sensitive a job it is. I would like to say that I think the members of the committee have approached this with thoughtfulness and with courage. I know that there are many who feel that the committee report did not go far enough and some have felt and do feel that it went too far.

I would like to say in particular with reference to the distinguished gentleman from Indiana [Mr. HALLECK] it is my opinion that the gentleman has worked especially hard in this endeavor and has given it a great deal of thought. And, CHARLIE, I, as one Member, want to say how deeply I shall miss you in the days ahead and how much we have valued your judgment and your service to this Nation at all times.

Very simply, Mr. Chairman, my amendment would ban testimonial dinners held for the purpose of raising campaign contributions or personal funds or any other funds for a Member. This prohibition on testimonial dinners goes beyond the committee's recommendation in the proposed code of official conduct that the proceeds from such dinners are to be treated as campaign contributions, if the dinner's sponsors do not clearly state another purpose in advance.

Mr. Chairman, it is my opinion that the day of the testimonial dinner should be over; that it can involve favor-seeking lobbyists upon occasion. And, no matter what the best intent of the individual or Member involved is, it can have the aspect of favor seeking. In my opinion this noxious practice belongs to the politics of the past and not to the new politics and public service of our Nation in the future.

I know, as do all Members, that congressional election and service can be expensive to the individual and his family. Importantly, I hope we will have election law reform and revision, on the Federal and State levels, to insure that no man or woman is denied service in this body for lack of financial means.

But the issue before us in this amendment is simply whether needed financial assistance should be acquired through testimonial dinners. I believe that the paramount public interest urges and requires that this not be the case. It is my opinion that there are broader and better ways that are not subject to potential abuse and I hope, in addition, that we will in due course raise the allowances and salaries of Members.

Lastly, Mr. Chairman, my second amendment, a copy of which is on each desk, calls for full public disclosure of all items of income, gifts, and reimbursed expenses in excess of $100; each asset worth more than $2,500 other than a personal residence; all debts with certain exceptions regarding personal obligations; all transactions in securities and commodities; all purchases and sales of real property; and all business affiliations.

Clearly, the committee sought in its concern over the question of conflict of interest to balance the need for public disclosure in the public interest with the invasion of one's privacy. Further, the committee noted the difference between other governmental entities and the legislative—namely, that the latter regularly submits itself to the electorate.

Proposed rule XLIV establishes the principle of disclosure and is a step forward. However, I do not believe it goes far enough. I would urge consideration of full public disclosure, saving only certain clearly private matters such as mortgage payments on a personal residence or payments for a loan for household expenses, such as consolidation of medical bills, and alimony, and separate maintenance payments in those limited cases where this applied. I believe, aside from purely personal matters, that there is more merit in public disclosure than in partial or mini-disclosure. I believe public disclosure would be a basic protection for Members and would enhance beyond question public confidence and respect.

Mr. MINISH. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman.

Mr. MINISH. If I understand the gentleman's amendment correctly, does it mean that a Member could not run a dinner or that a committee working in his behalf could not run a dinner in order to raise money for his campaign?

Mr. REID of New York. He would not be able to have a testimonial dinner. And, as I read the present rule of this committee, it is possible to have a testimonial dinner if explicitly announced in advance to donors and participants for campaign purposes or for raising funds for personal expenses. I know there is a difference of opinion on this. I happen to think that there are better and broader ways of raising money for a Member, not subject to abuse or the appearance thereof.

Mr. MINISH. Mr. Chairman, would the gentleman yield further?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALLECK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say at the outset that I deeply appreciate the nice words that were said of me by the gentleman from New York. He and I have been friends for many, many years, even before he ever came here, and I have appreciated that friendship. He has been my friend, and I have been his friend, but I must say that on this occasion I cannot agree with him.

The report in regard to testimonial dinners recognizes that testimonial dinners have become a part, a very fundamental part of the campaign-raising procedure not only of individual candidates, but of the great parties themselves. I can see no justification for outlawing them completely. I believe it is a legitimate way to raise campaign funds.

Believing that, I believe our committee went as far as it ought to go in that mater. The big complaint that there has been about testimonial dinners is that they are held for campaign purposes, and then the funds raised are diverted to personal use.

Mr. Chairman, I should have said when I spoke earlier in the day that sometimes it does not take very many bad apples to just spoil the whole barrel, and that is the kind of shape we are in. So I am against such a provision.

Now, beyond that——

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. Let me continue for a moment, and then I will yield.

Now, beyond that, I think this provision about testimonial dinners must be read in conjunction with point 4, which reads:

A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress.

Now, if a great number of people put in $25, whether or not that would come within the purview of this "substantial" or not, I do not know. I believe everybody would have to kind of figure that out for himself.

But if it is tickets by people who have no direct interest in legislation pending before the House of Representatives and the matter is personal, what difference could it make? What is the difference between buying a ticket to a dinner for political purposes or writing you a check for $25 for your campaign fund? I do not believe there is any.

So, Mr. Chairman, I believe the committee in this regard has gone far enough.

Second——

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield on that point?

Mr. HALLECK. Yes, on that point.

Mr. LONG of Maryland. Is not the sense of the amendment offered by the gentleman from New York that it is much better to raise money under the table than over it?

Mr. HALLECK. Well, I do not know. I am not going to put that interpretation on it because I do not know.

I might say I never had a testimonial dinner in my life for campaign purposes or for personal purposes. As I said earlier in my speech here in the general debate, I have always kind of been hoping. So you might pass the word around in the right places.

But in any event, here is a provision for disclosure, and we have already been subjected to many questions about the extent of the disclosure that is provided for in the committee resolution.

Well, the gentleman from New York would go much further than that.

And I believe, OGDEN, you would agree with that, that you feel that way about it, and I know other Members here do also. All I can say to you: You recognize, and I believe others do, who have introduced bills for complete disclosure, that, after all, we want to hit—well—sort of a medium ground between trying to make everybody here a second-class citizen, subjecting them to all sorts of pressures which would be unfair, and at the same time reaching those matters that deal, I would say in some degree, with conflict of interest, because otherwise what you have is nobody's business but your own.

I shall insist on that as long as I have a breath left. That is a private matter with me. But if I have an interest that might control my actions here, then I do not object to letting my people back home know about it, and that is all that is involved.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I just hope to see the time that I am able to raise enough campaign funds to defray all the expenses of my campaign, and then I will sincerely worry about some of them for my own use. And I think that is true of about 90 percent of the Members of this House.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendments.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to point out that in the gentleman's amendment he does not permit a Member of the House to hold a dinner for the purpose of raising funds, but your opponent can go ahead and hold all he likes, apparently.

I have been a friend of the gentleman from New York [Mr. REID] a long time. I envy him a little bit. He is in the fortunate position really, of not having to raise any campaign funds. He can finance it himself. The fact is, I heard the other day that he wrote a check and the bank returned the check marked "Insufficient funds—not yours, ours."

So in a situation like that you do not need to have any dinners. Frankly, if I were in that situation, my campaign for the office downtown would be going a lot better. I would be out in Indiana campaigning today. But I have to be around here getting money by nickels and dimes, and it is not easy. This body—you know, they like one of their own, but they do not like to spring too much. About the only way you are going to get it is by a testimonial dinner. But on the face of it, could anyone vote for an amendment which would prohibit a Member from raising campaign funds while opening the door wide open to his opposition? I do not think so.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to make one comment. There has been some question raised with respect to campaign expenditures. When I talked here in the general debate I pointed out that this business of being in Congress is a continuing operation. If you are smart, you start campaigning the day after you are elected. You ought, every one of you who are going to run this time, go right back to your district and thank everybody personally for supporting you if you win and come back. So that takes money.

I would just like to say for the record, Mr. Chairman, so there will be no question about it, that we recognize, the committee report recognizes, that campaign contributions are a continuing matter and, as I said earlier, it is hard to draw a hard-and-fast line between what is personal expense and campaign expense. So far as I am concerned, I would err a little bit on the side of campaign expense.

Mr. PRICE of Illinois. Mr. Chairman, I agree completely with the remarks of the gentleman from Indiana. I would like to point out that there are occasional abuses in the practice of testimonial dinners, but I think there are adequate ways to deal with them. This committee made a thorough study of this subject. I do not see any sufficient reason to remove a broad base of participation of people in a campaign of a man running for membership in the Congress of the United States.

Many Members have advocated credit on income tax payments in order to encourage citizens to participate in helping candidates for political office. I think that if we would eliminate the broad base of contribution received from the fundraising dinner approach, we would be going contrary to what most of us have been trying to do, that is, to broaden the base of contributions in order to lessen the influence of the larger contributors.

Under an updated Corrupt Practices Act, as recommended in the committee report, full disclosure of campaign finances would serve adequately to expose possible conflicts of interest and do so without elimination of a fundraising device that many of us find necessary in running for office.

Also, no prohibition against testimonial dinners can be imposed on a nonincumbent candidate by the rules of the House, and thus an incumbent would be subjected to an unfair burden.

All in all, the occasional abuses that have arisen from this practice are dealt with adequately by the other measures recommended, and no sufficient reason has been demonstrated to remove a broad-based fundraising technique from those of us who need to raise such funds.

I also respectfully urge the House to reject that portion of the amendment offered by the gentleman on additional financial disclosure.

Mr. Chairman, in the report of the committee and, again, in the statement that I just completed to the House, it was stressed that only so much financial disclosure as serves legitimate objectives of disclosure could, with any validity, be required. The objectives of disclosure are: first, to serve as a deterrent reminder to the person filing; and second, to acquaint a Member's constituents with the areas in which it is possible for a conflict of interest to occur.

The committee membership represented the entire spectrum of thinking on this very delicate matter. That it was able to have reported such a recommendation clearly means that every aspect of what could serve the objectives and what did not serve the objectives was thoroughly explored.

Mr. Chairman, it is regrettable that the term "financial disclosure" has become such a slogan of so many who use it without thinking in terms of what it seeks to accomplish.

I repeat that the committee considered the full gamut, and strongly believes it has arrived at a position from which yielding in either direction is not the course this body should take.

Just as firmly as I would have urged rejection of any measure providing for less financial disclosure, I respectfully urge the House to reject this amendment.

I am opposed to this amendment in toto and hope that the Committee will vote down the amendment.

Mr. MINISH. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

I would like to say to the gentleman from New York that what his amendment really does would be to restrict the membership in this House to millionaires. Now, I am a Member of this House, and I have no other profession or income. I do not think the salaries we are paid could finance my campaign. In fact, I have a primary in a month or two.

The gentleman may be so fortunate as to have no financial problems but that is not true of all of us. I think what the amendment of the gentleman would do—and I want to say this again—is restrict the membership in this House to a select few, and this is not the way our Founding Fathers described the Congress.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, I think there are other ways of raising funds from a broader base than a testimonial dinner.

Mr. MINISH. Tell me.

Mr. REID of New York. I hope some day we will revise our election laws so that there can be much broader support, so that any man or woman can serve in this great body irrespective of his or her finances.

Mr. MINISH. Will the gentleman please tell me how? I am going to need it in the next 35 days.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I think the gentleman has probably made the most succinct point of the afternoon. Just let me say the gentleman from New York talks about, in the future, he is going to try to see that there are better ways, but, as the gentleman from New Jersey says, he needs it in the next 35 days, and we have an election coming up now. I am not so sure the utopian scheme of the gentleman from New York, to have the taxpayers or somebody pay for it, ever is going to get passed. So all I hope is we beat the amendment of the gentleman and get on with the code of ethics.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my question is one of legislative intent. Could I ask the chairman of the committee these questions? Of course, when this resolution passes that means there is no ex post facto activity involved. It is only from the time of passage on, that the jurisdiction of this committee covers?

Second, the question comes up on the jurisdiction of this Ethics Committee as against an election contest committee. Do each of these committees have the same jurisdiction, so that each and both of them are acting at the same time on a previous election?

The next question is, This is not a continuing body as the other body, but it completes its work at the end of a 2-year term, and an entire new body—and a new committee—is then elected. Is this committee then to operate by the congressional sessions; that is, for example, the 90th Congress, or shall it then continue as a continuing committee and carry over from previous Congresses? This is all in the future, not in the past. Will it carry over anything that might have been from previous Congresses without limit? In the ordinary case of libel or slander, it is 1 to 2 years; or, in the case of contracts it might be a 6-year period of limitation. Is there a period of limitation in here for the future? I am not speaking of the past. Could I have the legislative intent given?

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield, there is no period of limitation except the natural limitation of any Congress, which can amend the rules at any time.

Mr. FULTON of Pennsylvania. So that when this particular session is over, then that finishes the work of this committee for the 90th Congress?

Mr. PRICE of Illinois. Not if we adopt this resolution, unless the rules are amended in the 91st Congress.

Mr. FULTON of Pennsylvania. So, the rules of the 91st Congress would have to be amended to go back to the 90th to give this committee authority?

Mr. PRICE of Illinois. No. This committee exists as a standing committee of the 90th Congress under Resolution 418. Today we are seeking to amend this Resolution 418 to make this a permanent standing committee, and we will include it in the rules of the House as a permanent standing committee, and in the future it would be dealt with as all other committees. They are usually included in a blanket form on the first day of each new Congress.

Mr. FULTON of Pennsylvania. So, each new Congress then establishes a new ethics committee? Then my question is, What jurisdiction does that new ethics committee have, for example, in the 91st Congress?

Mr. PRICE of Illinois. The jurisdiction and limitations of the committee are spelled out in the resolution we are working on this afternoon.

Mr. FULTON of Pennsylvania. What jurisdiction does that Ethics Committee of the 91st Congress have for an election that took place for the membership to be elected to the 91st Congress?

Mr. PRICE of Illinois. I think when the gentleman is talking about anything that might occur in the way of campaign finances, and problems or anything, he is talking about two different situations.

The gentleman is talking about the Corrupt Practices Act and could also be talking about that committee we establish every 2 years, in each session of Congress, the Special Committee on Elections.

Mr. FULTON of Pennsylvania. Then this Ethics Committee has no jurisdiction over election contests or anything taking place in an election?

Mr. PRICE of Illinois. That is correct.

Mr. FULTON of Pennsylvania. Second. This Ethics Committee expires at the end of each Congress, and a new Ethics Committee is then set up under new rules of the next Congress?

Mr. PRICE of Illinois. No.

Mr. ALBERT. Mr. Chairman, will the gentleman yield? The gentleman is misstating the rule.

Mr. FULTON of Pennsylvania. I believe it should be set straight.

Mr. PRICE of Illinois. If we adopt the resolution today, this would be a permanent, standing committee of the Congress, and it would require subsequent action to take it from that category.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the majority leader.

Mr. ALBERT. The truth of the matter is that this would become a part of the rules structure of the House, and on the opening of each session we readopt the rules structure. It applies to this committee and to the gentleman's Committee on Science and Astronautics, and every other committee in the House.

Mr. FULTON of Pennsylvania. So then a new Ethics Committee is set up?

Mr. ALBERT. No more than we would have a new Committee on Agriculture, Committee on Ways and Means, or committee on anything else. We reestablish by resolution, the rules of the House and the committees of the House every time we start a new Congress.

Mr. FULTON of Pennsylvania. I have one more question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FULTON of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALLECK. Mr. Chairman, reserving the right to object, I might say I have been objecting to the requests. I believe the gentleman's question has been answered.

Mr. FULTON of Pennsylvania. The question as to what is the jurisdiction of the committee when it begins and when it ends, on activities, has not been answered.

Mr. HALLECK. Under my reservation, then, I will answer the question, and then I will object. I believe I know what the gentleman is talking about.

Mr. FULTON of Pennsylvania. Yes.

Mr. HALLECK. No. 1, we specifically provide that the creation of this committee shall create ex post facto no responsibility on anyone.

Mr. FULTON of Pennsylvania. That is good.

Mr. HALLECK. No. 2, this is a standing committee. If the rules are adopted in the next Congress, it will still be a standing committee. New members could be selected for that committee. The code having been adopted, and a transgression of the code having occurred in this Congress, and a complaint made about it in the next Congress, we say, first, it could be entertained. Unless it were timely I would say, if I were a member of the committee, I would not pay any attention to it.

Mr. FULTON of Pennsylvania. This is what I believe should be made clear.

The CHAIRMAN. Is there objection

to the request of the gentleman from Pennsylvania?

Mr. HALLECK. Mr. Chairman, I object.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

I will not take 5 minutes, but I do wish to clarify a point which I have heard discussed on this side of the aisle and one which I believe necessitates clarification. I do this also for the purpose of making legislative history.

In this regard I offer a hypothetical case.

If at the end of a campaign, a Member's campaign committee has, let us say, $300 left in the fund, or receives contributions in excess of what the campaign expenditures were, would the committee be permitted to provide this money for a Member's newsletter, or for a plane ticket for his return to speak at a political rally or a meeting of any nature? Or would this not be considered a legitimate or bona fide campaign expenditure?

Mr. PRICE of Illinois. I would say that whatever is left over could be used for any bona fide campaign purpose.

Mr. HALLECK. May I say for myself, I concur in that. A Member might have personal funds left in his campaign fund.

As I have said time and again here, this campaigning is not 60 days or 30 days before an election. That is a popular misunderstanding in the country. The fact of the matter is that one has to be at it all the time.

As to the example to which the gentleman referred, in my opinion, of legitimate campaign expenditures, if I were running again and had a little money left over—which I never did have, but if I did—I would spend it getting ready to go the next time.

Mr. COLLIER. I thank the gentleman. I assumed that was a proper interpretation, but I wanted to make it a matter of record.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask a question and also to make legislative history.

I would like to know from the chairman of the committee how long will these records be kept that are in an envelope sealed by a Member and deposited with the committee.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. The records would be kept as long as a Member remains in office.

Mr. CELLER. A Member may remain in office for 20 years.

Mr. PRICE of Illinois. Of course, he files a new statement in each Congress, each April 30.

Mr. CELLER. Suppose I filled my return next year in 1969. How long will that record be kept?

Mr. PRICE of Illinois. As long as you are a Member of the House.

Mr. CELLER. The records filed for election purposes are not held indefinitely in that way. As I understand it, after a period of time they are destroyed.

Mr. PRICE of Illinois. We are not talking about election records here.

Mr. CELLER. Do you mean to tell me, for example, if we had this Act and I went to Congress for the first time and filed a return, you would hold these records of mine for 46 years?

Mr. PRICE of Illinois. We have not reached that point. There will probably be a lot of changes, I will say to the Members. The longer this committee is in existence, the more there will be some changes in housekeeping rules. But the present disposition is at least to hold them while a Member is in office.

Mr. CELLER. I think what should be done, if I may be so bold to suggest it, is that a good deal of these matters can be clarified by your regulations which must ensue. It could be done probably by regulation, and some sort of statute of limitations could be prescribed so we will know where we are at. I do not think it is fair to hold these records indefinitely.

Mr. PRICE of Illinois. I will say that the gentleman is correct about that, because there is no reason to hold them indefinitely. The Member has to bring them up to date annually.

Mr. HAYS. Mr. Chairman, will the gentleman yield to me?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. HAYS. That is an interesting point which we ought to clarify. If you file a record this year, then next year you have to file a record again. The old record will be returned, or when you update it, do you keep the whole series of them?

Mr. PRICE of Illinois. You keep the whole series, at least under the present rules.

Mr. CELLER. Would you keep the record I filed next year and if I am defeated thereafter, would you keep it after my defeat?

Mr. PRICE of Illinois. No. We covered this in the resolution. It says there as follows:

> In any case in which a person required to file a sealed report under part B of this rule is no longer required to file such a report, the committee shall return to such person, or his legal representative, all sealed reports filed by such person under part B and remaining in the possession of the committee.

Mr. CELLER. Why should it not work both ways, whether a Member is defeated or reelected?

Mr. PRICE of Illinois. This is something that the committee can consider at the appropriate time.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. I just checked with members of the committee on this side and again I do not have any specific recollection of, nor can I discover, any consideration of that particular point, but speaking for myself, Mr. Chairman, I would say that each time you filed that sealed envelope it would supplant the previous one. I do not see anything to be gained by any continuing custody of those reports that might show that a man was doing a little better. He bought a few stocks that maybe turned out pretty well. As far as I am concerned, I think when the Congress is over and he files a new report, we should sent it back. This can be taken care of by regulation, as the gentleman suggests.

Mr. PRICE of Illinois. As I stated, this is something that the committee can give consideration to, and I fully expect that subsequent rules of the committee will be shown which will satisfactorily cover all the questions of the gentleman from New York and the gentleman from Pennsylvania.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. REID].

The amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 1099, amending House Resolution 418, 90th Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes, pursuant to House Resolution 1119, he reported the resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution.

Mr. PRICE of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 406, nays 1, not voting 26, as follows:

[Roll No. 85]

YEAS—406

Abbitt	Brooks	Curtis
Abernethy	Broomfield	Daniels
Adair	Brotzman	Davis, Ga.
Adams	Brown, Calif.	Davis, Wis.
Addabbo	Brown, Mich.	Dawson
Albert	Brown, Ohio	de la Garza
Anderson, Ill.	Broyhill, N.C.	Delaney
Anderson, Tenn.	Broyhill, Va.	Dellenback
Andrews, Ala.	Buchanan	Denney
Andrews, N. Dak.	Burke, Fla.	Derwinski
Annunzio	Burke, Mass.	Dickinson
Arends	Burleson	Diggs
Ashbrook	Burton, Calif.	Dingell
Ashley	Burton, Utah	Dole
Ashmore	Bush	Donohue
Aspinall	Button	Dorn
Ayres	Byrne, Pa.	Dow
Baring	Byrnes, Wis.	Downing
Barrett	Cabell	Dulski
Bates	Cahill	Duncan
Battin	Carey	Dwyer
Belcher	Carter	Edmondson
Bell	Casey	Edwards, Ala.
Bennett	Cederberg	Edwards, Calif.
Berry	Celler	Edwards, La.
Betts	Chamberlain	Ellberg
Bevill	Clancy	Erlenborn
Biester	Clark	Esch
Bingham	Clausen, Don H.	Eshleman
Blackburn	Clawson, Del	Evans, Colo.
Blanton	Cleveland	Everett
Boggs	Cohelan	Evins, Tenn.
Boland	Collier	Fallon
Bolling	Colmer	Farbstein
Bolton	Conable	Fascell
Bow	Conte	Feighan
Brademas	Corbett	Findley
Brasco	Corman	Fino
Bray	Cowger	Fisher
Brinkley	Cramer	Flood
Brock	Culver	Flynt
	Cunningham	Foley
		Ford, Gerald R.

Ford, William D.	Lipscomb	Rodino
Fountain	Lloyd	Rogers, Colo.
Fraser	Long, La.	Rogers, Fla.
Friedel	Long, Md.	Ronan
Fulton, Pa.	Lukens	Rooney, N.Y.
Fulton, Tenn.	McCarthy	Rooney, Pa.
Fuqua	McClory	Rosenthal
Galifianakis	McCloskey	Roudebush
Gallagher	McClure	Roush
Gardner	McCulloch	Roybal
Garmatz	McDade	Rumsfeld
Gathings	McDonald, Mich.	Ruppe
Gettys	McEwen	Ryan
Giaimo	McFall	St Germain
Gibbons	McMillan	St. Onge
Gilbert	MacGregor	Sandman
Gonzalez	Machen	Satterfield
Goodell	Mahon	Saylor
Goodling	Mailliard	Schadeberg
Gray	Marsh	Scherle
Green, Oreg.	Martin	Schneebeli
Green, Pa.	Mathias, Calif.	Schweiker
Griffin	Mathias, Md.	Schwengel
Griffiths	May	Scott
Gross	Mayne	Shipley
Grover	Meeds	Shriver
Gubser	Meskill	Sikes
Gude	Michel	Skubitz
Hagan	Miller, Calif.	Slack
Haley	Miller, Ohio	Smith, Calif.
Hall	Mills	Smith, Iowa
Halleck	Minish	Smith, N.Y.
Halpern	Mink	Smith, Okla.
Hamilton	Minshall	Snyder
Hammer-schmidt	Mize	Springer
Hanley	Monagan	Stafford
Hanna	Montgomery	Staggers
Hansen, Wash.	Moorhead	Stanton
Hardy	Morgan	Steed
Harrison	Morris, N. Mex.	Steiger, Ariz.
Harsha	Morse, Mass.	Steiger, Wis.
Harvey	Morton	Stephens
Hathaway	Mosher	Stratton
Hawkins	Moss	Stubblefield
Hays	Murphy, Ill.	Stuckey
Hébert	Murphy, N.Y.	Sullivan
Hechler, W. Va.	Myers	Taft
Heckler, Mass.	Natcher	Talcott
Helstoski	Nedzi	Taylor
Henderson	Nelsen	Teague, Calif.
Herlong	Nichols	Tenzer
Hicks	Nix	Thompson, Ga.
Holifield	O'Hara, Ill.	Thompson, N.J.
Horton	O'Hara, Mich.	Thomson, Wis.
Hosmer	O'Konski	Tiernan
Howard	Olsen	Tuck
Hull	O'Neal, Ga.	Udall
Hungate	O'Neill, Mass.	Ullman
Hunt	Ottinger	Utt
Hutchinson	Passman	Van Deerlin
Ichord	Patten	Vander Jagt
Irwin	Pelly	Vanik
Jacobs	Pepper	Vigorito
Jarman	Perkins	Waggonner
Joelson	Philbin	Waldie
Johnson, Calif.	Pickle	Walker
Johnson, Pa.	Pike	Wampler
Jonas	Pirnie	Watkins
Jones, Ala.	Podell	Watson
Jones, Mo.	Poff	Watts
Jones, N.C.	Pollock	Whalen
Karsten	Pool	Whalley
Karth	Price, Ill.	White
Kastenmeier	Price, Tex.	Whitener
Kazen	Pryor	Whitten
Kee	Pucinski	Widnall
Keith	Purcell	Wiggins
Kelly	Quie	Williams, Pa.
King, N.Y.	Quillen	Willis
Kirwan	Railsback	Wilson, Bob
Kleppe	Randall	Wilson, Charles H.
Kluczynski	Rarick	Winn
Kornegay	Rees	Wolff
Kupferman	Reid, Ill.	Wright
Kuykendall	Reid, N.Y.	Wyatt
Kyl	Reifel	Wydler
Kyros	Reinecke	Wylie
Laird	Reuss	Wyman
Landrum	Rhodes, Ariz.	Yates
Langen	Rhodes, Pa.	Young
Latta	Riegle	Zablocki
Leggett	Rivers	Zion
Lennon	Roberts	Zwach
	Robison	

NAYS—1

Frelinghuysen

NOT VOTING—26

Blatnik	Dowdy	King, Calif.
Conyers	Eckhardt	Macdonald, Mass.
Daddario	Gurney	
Dent	Hansen, Idaho	Madden
Devine	Holland	Matsunaga
Moore	Resnick	Selden
Patman	Rostenkowski	Sisk
Pettis	Roth	Teague, Tex.
Poage	Scheuer	Tunney

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER pro tempore (Mr. ALBERT) laid before the House the following resignation from a committee:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 3, 1968.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign from the Committee on Science and Astronautics to accept placement on the Banking and Currency Committee.

I have enjoyed my service on the Committee on Science and Astronautics under the able leadership of Chairman Miller.

Sincerely yours,

LESTER L. WOLFF.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 1126) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1126

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Banking and Currency: Lester L. Wolff, New York; Charles H. Griffin, Mississippi.

Committee on the District of Columbia: Peter N. Kyros, Maine.

Committee on Merchant Marine and Fisheries: Robert L. Leggett, California.

Committee on Science and Astronautics: Bertram L. Podell, New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, may I advise the Members that we are adding to the list of the bills already programed for this week S. 2912, the saline water bill, which the gentleman from Colorado [Mr. ASPINALL] advises will be brought up under a unanimous-consent request.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ON SEEING A SON OFF TO VIETNAM

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HENDERSON. Mr. Speaker, some Members of this body have sons fighting in Vietnam, but I am sure the percentage is relatively small, and while others of us have draft-age sons or grandsons or other close relatives who are in a position where they might eventually be sent to Vietnam, it is not quite the same.

The President said goodby to his son-in-law this week, but of all of the expressions from parents I have heard or read, none describes the situation better than an editorial published this week in the Mount Olive Tribune, Mount Olive, N.C.

The writer of the editorial was one of those young men drafted at the very beginning of World War II and saw 4 years of difficult duty, much of it in combat, but he did not come home bitter and he did not raise his sons to be cowardly, unpatriotic or too sophisticated to understand why Communist aggression needs to be stopped wherever it occurs.

Elmer Brock sent his son away to war and then, editorially, expressed what he felt as he did so. I want to share his thoughts with my colleagues:

ON SEEING A SON OFF TO VIETNAM

There must be few people who are so far removed from the war in Vietnam that they have not run the gamut of thoughts relative to it. These cover the mistakes in dealing with the communists from the end of World War II, to today, which in hindsight could probably have been handled better by the least knowledgeable of us. One can be the most aggressive hawk or the most submissive dove, or in between, or at times a little of both—and any or all bring on the background thoughts and feelings about the much-disputed war which are so much a part of all our lives in 1968. These are shared by everybody, but when it comes time to see a son off to South Vietnam, there's another set of thoughts and feelings which are yours alone and don't reach beyond the family.

The pre-departure leave drags so slowly but ends so quickly, if such a thing is possible. The last few days are the most intimate, when the duffel bag for overseas is packed and re-packed with silly little planning by every member of the family. The last couple of days might as well be travel time, as the impending departure dominates thought and activity. On the morning of "the" day, he is ready far ahead of time, as are the rest of us, and on the drive to the airport on a bright spring day, thoughts and conversation are still on the individual circumstances and not on the war as a whole.

The few minutes of waiting at the airport are at least outwardly calm, spent in small conversation and too much interest in other planes landing and taking off. It almost seems to be an anticlimax. Then, at boarding time, a handshake here and a kiss there gets him the words said thousands of times: "Good luck" and "Write to us." Not very original, but tried and tested through the years

for sincerity and concern. Then he walks to the plane, on his way from us, without hesitation, even jauntily. Then the last sight of him, a wave from a seat far back in the plane, and we try to signal him to move forward toward the wing where the ride will be smoother, as if it really were important at the moment. Quickly the big plane is closed and it wheels off and up, leaving us watching until it can no longer be seen.

Thus ends another one of more than 500,000 experiences in seeing sons off to Vietnam, each one similar except for minor variations, but each one a private and personal event. Most of those left behind had it made easier, as for us, with no indication on the part of the soldier, marine, airman or sailor that he hated to go or dreaded it. Having been on the leaving side a generation ago, and now on the other, this seems a little more momentous somehow.

Most of the half million like him who are over there must feel that the war is necessary, that the communists must be stopped somewhere. We share that with him and them, and only criticize it from the standpoint of dragging it out on a half-way basis. While seeing him off to Vietnam was not a happy thing, it left no scars like those which he could have caused by burning his draft card, cursing his country, and parading with those who seek to escape from reality and responsibility.

Thank God, he seemed to understand something of why we have to fight there, reasons far beyond the freedom of one small country, and the thought never occurred to him to dishonor the memory of Pfc. Joseph Grantham or Sgt. Phillip Pigford, and twenty thousand others, who went before him and didn't come back.—EB.

INTRODUCTION OF MEEDS-PUCINSKI AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

Mr. MEEDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MEEDS. Mr. Speaker, the gentleman from Illinois [Mr. PUCINSKI] and I, joined by almost 40 of our colleagues in the House, are today introducing a comprehensive vocational education bill. We, firmly believe this bill puts vocational education in the proper perspective for America in 1969.

Our bill will help to right a long-standing disparity in education funds. Since 1957 we have been allotting about 75 percent of our education funds to about 25 percent of school enrollees. Particularly since sputnik, we have emphasized academic training at the expense of teaching job skills to the 75 percent of our young people who do not finish college.

Today we are witnessing the results of over a decade of this type of policy.

Our economy is plagued with a shortage of skilled labor. We have the people, but they are untrained for the available positions. Business and industry have had to provide the training in order to fill their own requirements.

The increasing number of 16- to 21-year-olds who are dropping out of school is also a reflection of our existing education policy. All in all, these students today have only two alternatives open to them: First, to continue a program they are not suited for because it fails to motivate them and which they, therefore, find irrelevent; or second, to drop out of school in the hope of finding themselves a place in society. If they take the latter course, statistics show they will likely become society dropouts too; that is, instead of contributing to society they will become a social expense.

Indirectly, the failures of our current education policy also contribute to crime and violence in this country. School dropouts are a major factor in our zooming crime rate. Statistics show men and women unable to hold jobs are more prone to turn to crime to earn a living.

The ill-trained, frustrated, and with much idle time on their hands, are frequent participators in many of the demonstrations rocking the country and in the violence that results.

The problems caused by the undereducation of 75 percent of our youth will continue to undermine American life unless we do something now. The time has come when nearly all workers need special training for a successful working life. The primary source of income and wealth in the world's most advanced and complex economy is no longer the ownership of real property as it was in this Nation's first century, nor native wit and brawn as it was through most of the second. In the few years since the Second World War, a profound change has taken place, making formally developed individual talent and skills an almost indispensable requirement for successful participation in the labor market. Yet today, less than one-half of our noncollege youth are getting this specialized training.

We in America have an excellent school system, comparable to any in the world. There is no reason why this condition should exist. It exists only out of the shortsightedness of our national education goals and through a misapportionment of our national resources.

This is a most serious problem. What are we going to do about it?

The first comprehensive national legislation since 1917 designed to rectify this situation was the Vocational Education Act of 1963.

Importantly, the bill was passed at the initiative of Congress, not at the initiative of the administration. President Kennedy's Council on Vocational Education had recommended an immediate, comprehensive, and innovative vocational education program to teach job skills in our education system. The President essentially ignored his Council's recommendations in his 1963 legislation program.

Congress, however, saw a greater urgency and, based on the Council's recommendations, passed a 5-year vocational education program.

Parts of the 1963 act lapse this June, and, as Congress drafts legislation to reauthorize the program, we find ourselves in the same situation as in 1963.

Another National Advisory Council on Vocational Education has again recommended to the President that existing vocational education programs be expanded, that new programs be implemented and that those programs authorized by Congress, but never funded be given adequate appropriations.

Again disregarding the Council's recommendations, the present administration continues to limit the potential of vocational education. It has asked for no more new programs to meet new situations and better understood problems. It has ignored the popular work-study program and bypassed the need for residential vocational education schools on a trial basis. It has overlooked the necessity for attracting qualified instructors and training them. Most important of all, it has neglected the cooperative work-study program, which promises to become one of the most effective instruments to reducing unemployment caused by lack of skills.

The administration's bill, in my view, falls far short of meeting the problem or employing the sense of urgency we must have to solve it.

Therefore, we have introduced a bill which I believe provides a comprehensive and a tight program to bring about a realinement of our education goals and help solve our most serious domestic problems.

Like the administration's bill, ours would continue all existing programs funded under the general 1963 Vocational Education Act. Like the administration's bill, ours would provide for advance funding of programs so administrators would have the proper time to plan the use of funds. Both our plans would allow statewide matching of Federal funds and eliminate matching by separate categories.

But our bill would go much further. It would increase the general authorization for vocational education programs by $100 million to $325 million for fiscal 1969.

It would also provide $200 million for fiscal year 1969 which would go—on a 90–10 matching basis—into high dropout and unemployment areas of the country. This is a direct response to the critical need in our city ghettos and pockets of rural poverty. These funds will be utilized in areas where the unemployment rate reaches as high as 60 percent among young people 16 to 21. Hopefully, they will help to provide an alternative to idle hands, idle minds, and idle time.

The cooperative work program, as I have already mentioned, is completely neglected by the administration's bill. I see it as one of the most fertile areas for effective vocational education programs. This program would divide vocational education between classroom instruction and on-the-job training. This has the dual advantage of exposing students to the practical demands of jobs and making the classroom exercises more valuable. Educators say apprentices who learn skills on the job are likely to learn faster, retain what they learn longer, and become leaders. According to the President's own National Advisory Board on Vocational Education, related work-study programs are the most effective under the Vocational Education Act. Participants consistently maintain high placement records, high employment stability and high job satisfaction. Because this program is so popular, usually many more

students apply than can be accepted. This leads to rejection of the students who need it most. If anything, this program should be expanded. Our vocational education bill would provide $50 million for this program for the next fiscal year.

This bill would provide $50 million next year to fund exemplary programs designed to familiarize elementary and secondary school students with a broad range of occupations and the requisites for entrance into those occupations.

The bill would also extend the popular work-study program. This program, which provides jobs for disadvantaged students in public nonprofit institutions while they attend schools, has been well received by students and teachers alike.

A third program I consider vital to the success of vocational education which is lacking in the administration's bill is the attracting of qualified instructors for vocational education courses. In the last analysis the effectiveness of the whole program depends on the quality of instruction. This bill will authorize $25 million for fiscal year 1969 for fellowships and another $20 million for the same period for exchange programs, summer institutes, and in-service education.

Another program, authorized in 1963 but never funded and which the administration has never included, is a concept to provide disadvantaged youth with vocational education residential centers. Many experts believe the only way to effectively teach some disadvantaged children is to improve their whole environment; that is, voluntarily remove them from their previous environment so they can be properly fed and housed in order that they can devote time to study.

Let me emphasize that the vocational educational residential center concept is an experimental project, as many vocational education projects necessarily are. A national effort in vocational education is something that has never been tried before in this country and so we must try many approaches. Because vocational education is a relatively new program, because vocational education is a new way to attack old problems that are getting bigger and more threatening and more disgraceful every year, we must determine early what will work best. Any money spent on innovative new programs now will save money later. This is one area of vocational education in which we must certainly expand our efforts. Many educators think residential vocational schools are the answer and that these centers could eventually take over the functions of the Job Corps. I think it deserves a try.

There exists no widely distributed texts for vocational education courses. Therefore, this bill provides $5 million this year for staffing libraries to meet this critical need.

In still another aspect, our bill would authorize $50 million for the home economics program aid, whereas the administration would have us provide only $15 million. Home economics is one of the senior vocational education programs. We have sought to make it more vocational-minded, by orienting its instruction more toward future employment.

Our bill will also make it mandatory for each State to have a State advisory council on vocational education. Now it is only recommended that they do so. By our bill these boards will have specific powers and a definite composition. Representatives from schools heavily populated with disadvantaged youth must be represented for the first time. In effect, this will place a completely new emphasis of vocational education in most areas of the country. Rural poverty pockets and ghetto schools will be more the recipient of such programs and have more of a voice in their implementation.

Our bill would also extend the benefits of vocational education to include the physically disadvantaged, as well as the academically, socially, economically, and culturally disadvantaged.

The cosponsors of this bill and I are not unaware of the financial squeeze the United States is in at this time. We are seeking to expand the authorizations for the vocational education programs only after long deliberation. Where we seek to expand them, we do so only insofar as it is prudent.

We see it as a matter of priorities. We see the vocational education program as of the utmost importance to American life, as among the most vital legislation before Congress this decade. I cannot shirk my responsibility as a Representative to Congress and as a member of the Education and Labor Committee by standing by as this program is downgraded. There are other programs that can be reduced or postponed without causing serious damage to American life.

Vocational education has come a long way in the last 4 years. I for one would hate to see us lose the momentum and good that has been gained.

I feel sure that the Nation and my colleagues will agree with me when they study this bill.

This bill is the product of years of the best work of many dedicated people in and out of government. I look forward to its passage this session.

The bill follows:

H.R. 16461

A bill to amend the Vocational Education Act of 1963, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Educational Amendments of 1968".

SEC. 2. The purpose of this Act is to consolidate, expand, strengthen, and maintain existing vocational and technical education programs; to encourage further the development and establishment of vocational and technical education programs at the secondary, postsecondary, and adult levels; to promote the development and establishment of new and exemplary programs and methods in vocational education, including exploratory occupational education programs; to provide special vocational education programs for disadvantaged persons, including evening and summer programs, and to reduce youth unemployment by supporting such vocational programs in areas of high youth unemployment; to establish new occupational training programs through cooperative work-study, and to extend the existing work-study programs for vocational education students; to provide for residential facilities for vocational education programs; to develop and establish a program of education for home and family living for youth and adults who need to increase their employability through preparation for the dual role of homemaker-wage earner; to provide opportunities for vocational educators to up-date their occupational competencies through various means including the creation of a program of leadership development awards; to encourage the development of vocational education curriculum materials and the acquisition of library resources and instructional materials and equipment to support programs of vocational and technical education; and to make certain other amendments which will improve such programs and increase flexibility in their administration.

TITLE I—CONSOLIDATION AND IMPROVEMENT OF EXISTING VOCATIONAL EDUCATION PROGRAMS

SEC. 101. Except as otherwise hereinafter provided, the amendments made by this title shall be effective on July 1, 1968.

SEC. 102. (a) Part A of the Act of December 18, 1963, 77 Stat. 403 (Public Law 88-210), which part is known as the Vocational Education Act of 1963, is amended by inserting "TITLE I—VOCATIONAL EDUCATION" immediately above the heading of such part A, and by changing the heading of such part A to read "PART A—GRANTS FOR COMPREHENSIVE PROGRAMS".

(b) Parts B and C of such Act of December 18, 1963, relating to laws other than vocational education laws, are redesignated as titles II and III of such Act; and sections 21 through 28 and 31 through 33 of such Act are, respectively, redesignated as sections 201 through 208 and 301 through 303.

SEC. 103. (a) Section 2 of the Vocational Education Act of 1963 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $325,000,000; for the fiscal year ending June 30, 1970, $400,000,000; for the fiscal year ending June 30, 1971, $500,000,000; and for the fiscal year ending June 30, 1972, and each fiscal year thereafter, $600,000,000, for the purpose of making grants to States as provided in this part."

(b) Section 15 of the Vocational Education Act of 1963 is amended to read as follows:

"AUTHORIZATION FOR SECTION 13

"SEC. 15. There is authorized to be appropriated for the purpose of carrying out the provisions of section 13, $30,000,000 for each of the fiscal years ending June 30, 1969, and 1970; and $55,000,000 for the fiscal year ending June 30, 1971, and each succeeding fiscal year."

INCREASED FLEXIBILITY IN REALLOTMENTS

SEC. 104. Section 3(c) of the Vocational Education Act of 1963 is amended to read as follows:

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under section 5 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the uses set forth in section 4(a). Any amount reallotted to a State under this subsection during such year shall be deemed part of its allotment under subsection (a) for such year."

INCLUSION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 105. (a) Paragraphs (1), (2), and (3) of section 3(d) of the Vocational Education

Act of 1963 are amended by striking out the words "and the Virgin Islands" each time they occur and by inserting in lieu thereof "the Virgin Islands, and the Trust Territory of the Pacific Islands".

(b) Paragraph (6) of section 8 of the Vocational Education Act of 1963 is amended by striking out "and American Samoa" and by inserting in lieu thereof "American Samoa, and the Trust Territory of the Pacific Islands".

ELIMINATION OF MATCHING BY SEPARATE CATEGORIES; SPECIAL MATCHING PROVISION FOR TRUST TERRITORY AND AMERICAN SAMOA

SEC. 106. (a) Section 6 of the Vocational Education Act of 1963 is amended by deleting subsections (a), (b), and (c).

(b) That part of section 4(a) of the Vocational Education Act of 1963 which precedes the colon is amended to read as follows:

"SEC. 4. (a) Except as otherwise provided in subsections (b) and (c), allotments to States under section 3 may be used, in accordance with approved State plans, for paying 100 per centum of the expenditures of the Trust Territory of the Pacific Islands and American Samoa, and not to exceed 50 per centum of the expenditures of other States, for any or all of the following purposes".

REQUIRED USE OF STATE ALLOTMENTS

SEC. 107. (a) Subsection (b) of section 4 of the Vocational Education Act of 1963 is repealed effective with respect to appropriations for the fiscal year ending June 30, 1969, and there is inserted in lieu of such subsection, effective with respect to appropriations for fiscal years beginning after July 1, 1968, the following new subsection:

"(b) At least 25 per centum of that portion of each State's allotment under section 3 for any fiscal year beginning after June 30, 1968, which is in excess of its allotment under that section for the fiscal year ending June 30, 1968, shall be used only for the purposes set forth in paragraph (4) of subsection (a)."

(b) Paragraph (4) of section 4(a) of the Vocational Education Act of 1963 is amended to read as follows:

"(4) Vocational education for persons who have academic, socioeconomic, physical, or other handicaps that prevent them or will be likely to prevent them from being readily employable;".

ALLOWING CONTRACTING AND DISSEMINATION OF INFORMATION UNDER SECTION 4(C)

SEC. 108. Section 4(c) of the Vocational Education Act of 1963 is amended to read as follows:

"(c) Ten per centum of the sums appropriated for the purposes listed in subsection (a) shall be used by the Commissioner for the following purposes:

"(1) For grants or contracts to colleges and universities and other public or private agencies, organizations, and institutions to pay the cost of research and for dissemination of research results in vocational and technical education.

"(2) For grants or contracts, approved by the bureau administering vocational education, to pay the costs of evaluation, demonstration, and experimental programs in vocational and technical education and for dissemination of results.

"(3) For grants to State boards for the costs of State research coordination units, research, evaluation, demonstration, and experimental programs in vocational and technical education and dissemination of results."

STATE ADVISORY COUNCIL

SEC. 109. (a)(1) Section 5 of the Vocational Education Act of 1963 is amended by striking the words "this part" in each case where they appear and inserting in lieu thereof the words "this title".

(2) Paragraph (1) of subsection 5(a) is amended by striking out everything after the first semicolon.

(b) Section 5 of the Vocational Education Act of 1963 is further amended by redesignating subsections (b), (c), and (d) and references thereto as subsections (e), (f), and (g), respectively, and by inserting immediately after subsection (a) the following new subsections:

"(b)(1) A State which desires to receive its allotments of Federal funds under this title for any fiscal year shall—

"(A) establish a State advisory council (hereinafter referred to as 'State advisory council') which meets the requirements set forth in paragraph (2); and

"(B) submit through its State board to the Commissioner a State plan for each fiscal year which meets the requirements of subsection (a).

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) include as members (i) persons familiar with the vocational education needs and problems of management and labor in the State, (ii) persons representative of junior colleges, technical institutes, or other institutions of higher and postsecondary education which provide programs of technical or vocational education and training, (iii) persons representative of secondary and area vocational schools, trade and technical high schools, or other institutions of secondary education which provide programs of technical or vocational education and training, (iv) persons familiar with the administration of State and local vocational education programs, (v) other persons with special knowledge, experience, or qualifications with respect to vocational education, (vi) persons representing manpower and vocational education agencies in the State, (vii) persons representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students, and (viii) persons representative of the general public, who are not qualified for membership under clauses (i) through (vi), who shall constitute not less than one-half of the total membership;

"(B) advise the State board on the development, and policy matters arising in the administration of the State plan, including the preparation of long-range and annual program plans pursuant to paragraphs (10) and (11) of subsection (a), review annual program evaluations prepared by State boards, and advise the State board on the allocation of Federal funds among the various uses set forth in section 4(a) and sections 21 through 31 of this title and to local educational agencies pursuant to paragraph (4) of subsection (b);

"(C) prepare and submit through the State board to the Commissioner and to the National Advisory Council on Vocational Education established by section 33 of this title an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (i) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan provided for in paragraph (11) of section 5(a) and the annual program plan provided for in paragraph (10) of section 5(a), and (ii) recommends such changes in such programs, services, and activities as may be warranted by the evaluations.

"(c) Federal funds made available under this part will not be allocated to local educational agencies in a manner, such as the matching of local expenditures at a percentage ratio uniform throughout the State, which fails to take into consideration the criteria set forth in section 5(a), and particularly in paragraphs (2) and (8) of said section."

SEC. 110. Section 5(a)(2) of the Vocational Education Act of 1963 is amended—

(a) by inserting after "opportunities" the following: ", particularly new and emerging needs and opportunities on the local, State, and national levels"; and

(b) by striking the words "needs of all groups in all communities in the State," and inserting in lieu thereof "needs of all population groups in all geographic areas and communities in the State, particularly persons with academic, socioeconomic, or other handicaps that prevent them or will likely prevent them from being readily employable,".

SEC. 111. Section 5(a) of the Vocational Education Act of 1963 is amended by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting a semicolon in lieu thereof, and by adding the following new subparagraphs:

"(8) provides that due consideration will be given to the relative ability of particular local educational agencies within the State, particularly those in economically depressed areas or with high rates of unemployment, to provide the financial and other resources necessary to meet the vocational education needs in the areas or communities served by such agencies;

"(9) provides assurances that copies of the State plan and all statements of general policies, rules, regulations, and procedures issued by the State board in its administration of such plan will be made reasonably available to the public;

"(10) sets forth an annual program plan, which (A) has been prepared by the State board in consultation with the State advisory council, (B) describes the content of, and allocations of funds to, programs, services, and activities to be carried out under the State plan during the following year (whether or not supported with Federal funds under this title); (C) indicates how, and to what extent, such programs, services, and activities will carry out the program objectives for the year covered by the annual plan set forth in the long-range program plan provided for in paragraph (A); (D) indicates how, and to what extent, allocations of Federal funds allotted to a State will take into consideration the criteria set forth in the State plan pursuant to paragraph (2); and (E) indicates the extent to which consideration was given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to paragraph (2)(B) of subsection (b); and

"(11) sets forth a long-range program plan for vocational education, or a supplement to or revision of such a program plan previously submitted as part of an approved State plan, which (A) has been prepared by the State board in consultation with the State advisory council, (B) extends over such period of time (but not more than five years), beginning with the fiscal year for which the State plan is submitted, as the Commissioner deems necessary and appropriate for the purposes of this part, (C) describes the present and projected vocational education needs of the State in terms of the purposes of this part set forth in section 1, and the purposes set forth in part B, and (D) sets forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the State."

SEC. 112. Section 5 of the Vocational Education Act of 1963 is further amended by—

(a) striking the words "subsection (a)," where they appear in the redesignated sections 5 (e) and (f) and inserting in lieu thereof the words "subsections (a), (b), (c), and (d),";

(b) changing the letter "(b)" to "(e)" in the redesignated subsection 5 (f) and (g) and the letter "(c)" to "(f)" in said subsection 5(g).

COOPERATIVE ARRANGEMENTS WITH OTHER AGENCIES

SEC. 113. Section 5(a)(4) of the Vocational Education Act of 1963 is amended by insert-

ing before the semicolon at the end thereof the following: "and further provides that in the development of vocational education programs, services and activities under this title there may be, in addition to the cooperative arrangements with other agencies, organizations and institutions concerned with manpower needs and job opportunities, such cooperative arrangements with others, such as institutions of higher education, model city, and community action organizations".

SEC. 114. (a) Section 8 of the Vocational Education Act of 1963 is amended by striking out "part" and inserting in lieu thereof "title".

(b) Section 8(1) is amended by striking "or", which appears in the first sentence immediately prior to the words "as requiring a baccalaureate or higher degree", and inserting in lieu thereof "and".

SEC. 115. Section 10(c) of the Vocational Education Act of 1963 is amended by changing the period at the end of subparagraph (2) to a semicolon; by inserting thereafter the word "and", and by adding the following new subparagraph:

"(3) less than one-third of any amounts so allotted (or apportioned) need be applied to part-time schools or classes for workers who have entered upon employment."

SEC. 116. Section 6 of the Vocational Education Act of 1963 is further amended by striking subsection (d) and inserting in lieu thereof the following:

"(a) Payments of Federal funds under this title to any State board, local educational agency, or other agency, organization, or institution, may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(b) In determining the non-Federal contribution to a program or project, where applicable under this title, the Commissioner may include the reasonable value (as determined by him) of any goods or services provided from non-Federal sources."

TITLE II—NEW AND EXPANDED PROGRAMS AND PROJECTS IN VOCATIONAL EDUCATION

SEC. 201. The Vocational Education Act of 1963 is amended by inserting after section 17 the following:

"PART B—EDUCATION FOR A TECHNOLOGICAL SOCIETY

"FINDINGS AND PURPOSE

"SEC. 21. The Congress finds that it is necessary to reduce the continuing seriously high level of youth unemployment by developing means for giving attention to the job preparation needs of the two out of three young persons who now end their education at or before completion of the secondary level, too many of whom face long and bitter months of job hunting or marginal work after leaving school. The purposes of this part, therefore, are to stimulate, through Federal financial support, new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation; to aid professional development of teachers, administrators, and other personnel in vocational education programs; and to promote cooperation among public education, manpower agencies, and private business and industry.

"EXEMPLARY AND INNOVATIVE PROGRAMS AND PROJECTS IN VOCATIONAL EDUCATION

"SEC. 22. (a) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1969; for the fiscal year ending June 30, 1970, $100,000,000; for the fiscal year ending June 30, 1971, $150,000,000; and for the fiscal years ending June 30, 1972 and 1973, $200,000,000, to be used by the Commissioner for making grants to or contracts with State boards, or with local educational agencies for the purpose of stimulating and assisting, through programs or projects referred to in subsection (c), the development, establishment, and operation of exemplary and innovative occupational education programs or projects designed to serve as models for use in vocational education programs. The Commissioner also may make grants to other public or nonprofit private agencies, organizations, or institutions, or contracts with public or private agencies, organizations, or institutions, including business and industrial concerns.

"(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall—

"(A) reserve such amount, but not in excess of 2 per centum thereof, as he may determine and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section;

"(B) reserve up to 10 per centum for use at his discretion to initiate programs pursuant to this section, including those under grant or contract which he determines are consistent with the purposes and objectives of subsection (a) and which he determines will have beneficial applications or be directed to innovations which are both regional or national in their implications and would not be practicable to be undertaken by any one State.

"(2) From the remainder of such sums the Commissioner shall allocate $200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States.

"(3) The amount of any State's allotment under this section for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the purposes of this section shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which are determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes of this section. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(4) Notwithstanding any other provision of law, unless hereafter enacted expressly in limitation of the provisions of this paragraph, funds appropriated for innovative and exemplary programs or projects in vocational education pursuant to this section which are reserved by the Commissioner for any projects or activities assisted under such programs or projects and undertaken in connection with an approved State plan shall remain available until expended.

"(5) For the purposes of paragraphs (2) and (3) of this subsection, the term 'State' does not include Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(6) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

"(7) The amount appropriated under this section for each fiscal year shall be available for obligation for grants or contracts pursuant to applications approved during that year and the succeeding fiscal year.

"(c) Grants or contracts pursuant to this section may be made by the Commissioner, upon such terms and conditions consistent with the provisions of this section as he determines will most effectively carry out the purposes of subsection (a), to pay the cost of—

"(1) planning and developing exemplary and innovative programs or projects such as those described in subparagraph (2); or

"(2) establishing, operating, and evaluating exemplary and innovative vocational education programs or projects designed to carry out the purposes set forth in subsection (a), and to broaden occupational aspirations and opportunities for youths, with special emphasis given to youths who have academic, socioeconomic, or other handicaps, which programs or projects may, among others, include—

"(A) those designed to familiarize elementary and secondary students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

"(B) programs or projects for students providing educational experiences through work during the school year or in the summer;

"(C) programs or projects for intensive occupational guidance and counseling during the last years of school and for initial placement;

"(D) programs or projects designed to broaden or improve vocational education curricula;

"(E) exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this subsection, including manpower agencies and industry; or

"(F) programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment.

"(d) Financial assistance may not be given under this section to any program or project for a period exceeding three years.

"(e) In administering the provisions of this section, the Commissioner shall consult with other Federal departments and agencies administering programs which may be coordinated effectively with the program carried out pursuant to this section, and to the extent practicable shall—

"(1) coordinate programs on the Federal level with the programs being administered by such other departments and agencies;

"(2) require that effective procedures be adopted by grantees and contractors to coordinate the development and operation of programs and projects carried out under grants or contracts pursuant to this section with the appropriate State plan and with other public and private programs having the same or similar purposes; and

"(3) require that to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students.

"(f) For the purpose of this section, the definition of 'vocational education', as that term is defined in paragraph (1) of section 8, is amended by inserting '(individually or through group instruction)' immediately after 'counseling', and by inserting, 'or for the purpose of facilitating occupational choice' immediately after the word 'training' the first time such word appears in that sentence.

"SPECIAL VOCATIONAL PROGRAMS TO AID THE ACADEMICALLY, SOCIALLY, ECONOMICALLY, AND CULTURALLY DISADVANTAGED

"SEC. 23. (a) In recognition of the special vocational education needs of youths and adults who are academically, socially, economically, or culturally disadvantaged and the impact that concentrations of such disadvantaged students have on the ability of local vocational education agencies to support adequate vocational education and training programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in subsection (b)) to local educational agen-

cies serving areas with concentrations of disadvantaged students to develop and operate by various means new and expanded vocational education programs and services specifically designed for persons and students (including adults and other postsecondary school students) who have academic, social, economic, cultural, or other handicaps.

"(b) There are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1969; for the fiscal year ending June 30, 1970, $250,000,000; for the fiscal year ending June 30, 1971, $350,000,000; and for the fiscal year ending June 30, 1972, and for each succeeding fiscal year, $400,000,000 to be used by the Commissioner for making grants to or contracts with State boards, and through such boards to local educational agencies, for the purpose of stimulating and assisting, through programs or projects referred to in subsection (d), the development, establishment, operation, and expansion of vocational educational programs and services, including remodeling and additions to an existing facility and equipping of the facility, specifically designed for those persons who can benefit from programs of vocational education, and who have academic, social, economic, cultural, or other disadvantages or handicaps, and reside in areas with concentrations of persons so disadvantaged, such areas to be broadly defined by regulation of the Commissioner. Funds may also be used by State boards to make grants to, or contracts with, other public, private, or nonprofit agencies, organizations, or institutions, including business and industrial concerns, for such programs or projects.

"(c)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall—

"(A) reserve such amount, but not in excess of 3 per centum thereof, as he may determine and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section;

"(B) reserve 2 per centum for the development, establishment, and operation of a pilot program to be known as the 'Learning Corps' which will have as its purpose to provide improved learning experience for disadvantaged youth, with special emphasis placed on inner city youth, through the provision of opportunities for such youth to live in homes outside the inner city, selected and approved by local welfare or social service agencies, in rural, small city, suburban, and other communities and to enroll in the local schools where vocational education and skill development for employment would be a part of their educational program;

"(C) reserve 10 per centum to encourage and assist the boards and agencies referred to in subsection (b) to expand their programs and services for secondary and postsecondary students by offering late afternoon, evening, and summer vocational programs.

"(2) From the remainder of such sums the Commissioner shall allocate $200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States.

"(3) For purposes of this section the State plan provided for in section 5 shall include a formula for the allocation of funds within the State which will give assurance that assistance under this section will only be used to serve areas in which there are substantial concentrations of disadvantaged students and will be allocated among such areas according to the degree of such concentrations as evidenced by high dropout rates and high youth unemployment.

"(4) The amount of any State's allotment under this section for fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the purposes of this section shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which are determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes of this section. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(5) Notwithstanding any other provision of law, unless hereafter enacted expressly in limitation of the provisions of this paragraph, funds appropriated for such special vocational programs for the disadvantaged pursuant to this subsection which are reserved by the Commissioner for any projects or activities assisted under such programs or projects and undertaken in connection with an approved State plan shall remain available until expended.

"(6) For the purposes of paragraphs (1), (2), and (3) of this subsection, the term 'State' does not include Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(7) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

"(8) The amount appropriated under this section for each fiscal year shall be available for obligation for grants or contracts pursuant to applications approved during that year and the succeeding fiscal year.

"(d) Grants or contracts pursuant to this section may be made by the Commissioner, upon terms and conditions consistent with the provisions of this section as he determines will most effectively carry out the purposes of this section, and to pay the cost of planning, developing, establishing, operating, and evaluating new or expanded programs or projects specifically designed for disadvantaged persons. Such special programs and projects may encompass any and all of the uses and purposes described in section 4(a) of this Act.

"(e) In providing this special vocational program assistance to local agencies which serve areas of concentrations of disadvantaged students, it is the intent of the Congress that there be the maximum possible utilization of the most appropriate, economical, and effective community resources. To this end, in addition to the contracting authority conferred by the last sentence of subsection (b), local boards and education agencies may, pursuant to programs and projects authorized by this section, enter into leasing or combined lease-purchasing arrangements for equipment and facilities and may enter into contracts for the provision of any necessary and related services including personnel and personal services such as, but not limited to, physical, emotional, and mental health, food, clothing, and transportation.

"(f) For the purposes of this section, the Federal share of the cost of planning, developing, establishing, operating, and evaluating such special programs or projects shall not exceed 90 per centum.

"COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

"SEC. 24. (a) The Congress finds that cooperative work-study programs offer many advantages in preparing young people for employment. Through such programs, a meaningful work experience is combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes. Such programs remove the artificial barriers which separate work and education and, by involving educators with employers, create interaction whereby the needs and problems of both are made known. Such interaction makes it possible for occupational curricula to be revised to reflect current needs in various occupations.

"It is the purpose of this section to assist the State to expand cooperative work-study programs by providing financial assistance for personnel to coordinate such programs, and to provide instruction related to the work experience; to reimburse employers when necessary for certain added costs incurred in providing on-the-job training through work experience; to pay costs for certain services, such as transportation of students or other unusual costs that the individual students may not reasonably be expected to assume while pursuing a cooperative work-study program.

"(b) There is authorized to be appropriated for the fiscal year ending June 30, 1969, $50,000,000; for the fiscal year ending June 30, 1970, $100,000,000; for the fiscal year ending June 3, 1971, $150,000,000; and for the fiscal years ending June 30, 1972 and 1973, $250,000,000 for making grants to the States for programs of vocational education designed to prepare students for employment through cooperative work-study arrangements.

"(c)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section. From the remainder of such sums the Commissioner shall allocate $200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States.

"(2) The amount of any State's allotment under this section for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (d) shall be available for reallotment from time to time, on such dates during such years as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes set forth in subsection (d). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(3) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

"(d)(1) For purposes of this section the State plan shall set forth policies and procedures to be used by the State in establishing through local educational agencies and public and private employers cooperative work-study programs. Such policies and procedures must give assurance that—

"(A) funds will be used only for developing and operating cooperative work-study programs as defined in subsection (f) which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs;

"(B) necessary procedures are established for cooperating with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative work-study programs;

"(C) provision is made for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided such on-the-job training is related to existing career opportunities

susceptible of promotion and advancement and does not displace other workers who might ordinarily be hired to perform such work;

"(D) ancillary services and activities to assure quality in cooperative work-study programs are provided for, such as preservice and in-service training for teacher coordinators, supervision, curriculum materials, and evaluation; and

"(E) priority for funding cooperative work-study programs through local educational agencies, be given to areas that have high rates of school dropouts and youth unemployment.

"(e) Funds allocated under this section for cooperative work-study programs shall be available for paying not more than 90 per centum of the State's expenditures under its State plan for any fiscal year.

"(f) For purposes of this section, the term 'cooperative work-study program' means a program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive part-time instruction, including required academic courses and related vocational instruction, in the school and on-the-job training through part-time employment. Such programs should provide for alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by school and employer so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, days, weeks, or other periods of time, but the number of hours of work shall equal the hours spent in school during the period that the individual would normally attend classes during the regular school term.

"RESIDENTIAL VOCATIONAL EDUCATION FACILITIES

"SEC. 25. (a)(1) There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1969; for the fiscal year ending June 30, 1970, $300,000,000; for the fiscal year ending June 30, 1971, $175,000,000; and for the fiscal years ending June 30, 1972 and 1973, $175,000,000 for grants to the States to provide residential vocational education facilities.

"(2) From the sums appropriated under paragraph (1), the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the population of each State bears to the population of all the States.

"(3) For purposes of this section—

"(A) the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) the amount allotted under this subsection to any State for the fiscal year ending June 30, 1969, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year; and

"(C) the amount of any State's allotment under subsection (a)(2) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so realloted for the purposes set forth in subsection (b). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b)(1) Funds allotted to the States under subsection (a) shall be used by the State, or, with the approval of the State boards, by public educational agencies, organizations, or institutions within such State, to pay the Federal share of the cost of planning, constructing, and operating residential vocational education facilities to provide vocational education (including room, board, and other necessities) for youths, at least age fourteen but who have not attained age twenty-one at the time of admission to the training program, who need full-time study on a residential basis and who can profit from vocational education instruction. In the administration of the program conducted under this section, special consideration shall be given to needs in geographical areas having substantial or disproportionate numbers of youths who have dropped out of school or are unemployed, and to serving persons from such areas.

"(2) For purposes of this section, the Federal share of the cost of planning, constructing, and operating residential vocational education facilities shall not exceed 90 per centum of the costs incurred in any fiscal year.

"(c) For purposes of this section the State plan shall set forth the policies and procedures to be used by the State in determining the size and location of such residential vocational facilities, taking into account the use of existing vocational education facilities. Such policies and procedures must give assurance that—

"(1) adequate provision will be made for the appropriate selection without regard to sex, race, color, religion, national origin or place of residence within the State of students needing education and training at such school;

"(2) the residential school facility will be operated and maintained for the purpose of conducting a residential vocational education school program;

"(3) vocational course offerings at such school will include fields for which labor market analyses indicate a present or continuing need for trained manpower, and that the courses offered will be appropriately designed to prepare enrollees for entry into employment or advancement in such fields; and

"(4) no fees, tuition, or other charges will be required of students who occupy the residential vocational education facility.

"(d) For purposes of this section—

"(1) the term 'residential school facility' means a school facility (as defined in section 8(3)) used for residential vocational education purposes. Such term also includes dormitory, cafeteria, and recreational facilities, and such other facilities as the Commissioner determines are appropriate for a residential vocational education school.

"(2) the term 'operation' means maintenance and operation, and includes the cost of salaries, equipment, supplies, and materials, and may include but is not limited to other reasonable costs of services and supplies needed by residential students, such as clothing and transportation.

"VOCATIONAL EDUCATION FOR HOME AND FAMILY LIVING

"SEC. 26. (a)(1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $50,000,000; for the fiscal year ending June 30, 1970, $50,000,000; for the fiscal year ending June 30, 1971, $75,000,000; and for the fiscal year ending June 30, 1972, and each fiscal year thereafter, $75,000,000 for the purposes of this section. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 3 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be allotted among the States.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b) For purposes of this section the State plan shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (A) educational programs designed for youths and adults through preparation for the role of homemaker, or to contribute to the employability of such youths and adults through preparation for the dual role of homemaker and wage earner, and are designed for persons who have entered, or are preparing to enter, the work of the home, and (B) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, research, program and evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

"(c) From a State's allotment under this section for the fiscal year ending June 30, 1969, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

"(d) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such time, as may be reasonably required for expenditures by the States of the funds allotted under subsection (a).

"VOCATIONAL EDUCATION LEADERSHIP AND PROFESSIONAL DEVELOPMENT

"SEC. 27. (a) It is the purpose of this section to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational-technical education for a period not to exceed three years in length; to provide opportunities to update the occupational competencies of vocational-technical education teachers through exchanges of personnel between vocational-technical education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational-technical education; to provide programs of in-service teacher education and short-term institutes for vocational-technical education personnel; and for other purposes.

"(b) There are authorized to be appropriated to carry out the vocational education leadership development awards program established by this section, $25,000,000 for the fiscal year ending June 30, 1969; for the fiscal year ending June 30, 1970, $25,000,000; for the fiscal years ending June 30, 1971, 1972, and 1973, $50,000,000. No individual may receive a leadership development award for a period in excess of three years.

"(c)(1) In order to meet the needs for qualified vocational education personnel such as administrators, supervisors, teacher educators, researchers, and instructors in

vocational education programs in all the States, the Commissioner shall make available leadership development awards only upon his determination that—

"(A) persons selected for awards shall have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education;

"(B) persons receiving such awards are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

"(C) persons selected are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as a graduate student to a program of higher education approved by the Commissioner under subsection (c).

"(2) Persons selected for leadership development awards made under this section shall be entitled to receive $6,500 a year, plus $400 for each dependent for each such year.

"(d)(1) The Commissioner shall approve the vocational education leadership development program of an institution of higher education upon application by the institution only upon finding that—

"(A) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development.

"(B) such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

"(C) such programs are conducted by a school of graduate study in the institution of higher education and lead to an advanced degree; and

"(D) such program is also approved by the State board for vocational education in the State where the institution is located.

"(2) In addition to amounts paid to persons pursuant to subsection (b)(2), the Commissioner shall pay to the institution of higher education at which such person is pursuing his course of study an annual amount equivalent to $3,000 less any amount charged for tuition. Such funds shall be used for improving the quality of education provided to those receiving leadership awards under this section.

"(e) In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, and teacher educators, in vocational education programs in all the States, the Commissioner in carrying out this section shall apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State. Leadership awards apportioned to a State may be awarded by State boards only to residents of such State, but a person to whom an award is made may study at an institution with an approved program in any State. In making such awards, State boards must give due consideration to persons in all occupational areas in vocational education and to those in areas of service to vocational education such as administration, supervision, research, guidance and counseling, and curriculum development.

"(f) Persons receiving leadership awards under the provisions of this section shall continue to receive the payments provided in subsection (b) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full-time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

"EXCHANGE PROGRAMS, INSTITUTES, AND IN-SERVICE EDUCATION FOR VOCATIONAL-TECHNICAL EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS

"SEC. 28. (a) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1969; $30,000,000 for the fiscal year ending June 30, 1970; and $40,000,000 for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years to carry out programs established under this section.

"(b)(1) The Commissioner is authorized to make grants to State boards to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, and coordinators, and other personnel, in order to strengthen education programs supported by this title and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent). Grants under this section may be used for projects and activities such as—

"(A) exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial or other public or private employment related to the subject matter taught in such school;

"(B) in-service training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

"(C) the operation of short-term or academic year institutes for the provision of training to improve the qualifications of persons engaged in or preparing to engage in activities such as teaching (including services of paraprofessional personnel such as teacher aids), research, vocational aspects of guidance and counseling, supervising, or administering vocational education programs. Each individual who attends an institute operated under the provisions of this subparagraph, shall be eligible for the period of his attendance at such institute (after application and acceptance therefor) to receive a stipend (including an allowance for subsistence and other expenses for such person and his dependents) at a rate determined by the Commissioner to be consistent with prevailing practices under comparable federally supported programs.

"(2) A grant may be made under this subsection only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner shall not approve an application unless it—

"(A) sets forth a program for carrying out one or more projects or activities which meet the requirements of paragraph (1), and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

"(B) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of paragraph (1), and in no case supplant such funds;

"(C) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(D) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"CURRICULUM DEVELOPMENT IN VOCATIONAL-TECHNICAL EDUCATION

"SEC. 29. (a) Congress finds that curriculum development in vocational education is complicated by the diversity of occupational objectives; variations due to geography; differences in educational levels and types of programs; and by the wide range of occupations which includes, but is not limited to, agriculture, trades and industry, distribution and marketing, technical, public service, health services, business and office, and homemaking occupations.

"It is therefore the purpose of this section to provide funds and authority to the Commissioner enabling him to promote the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

"(b) There are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1969; $10,000,000 for the fiscal year ending June 30, 1970; $25,000,000 for the fiscal year ending June 30, 1971, and for the two succeeding fiscal years, to be used for grants and contracts by the bureau or division administering programs of vocational education within the Office of Education, for the purposes set forth in subsection (c).

"(c) Sums appropriated pursuant to this section shall be used to make grants or contracts with colleges or universities, and other public or nonprofit private agencies and institutions, or contracts with public or private agencies, organizations, or institutions—

"(1) to promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields;

"(2) to develop standards for curriculum development in all occupational fields;

"(3) to coordinate efforts of the States in the preparation of curriculum materials and prepare current lists of curriculum materials available in all occupational fields;

"(4) to survey curriculum materials produced by other agencies of government, including the Department of Defense;

"(5) to evaluate vocational-technical education curriculum materials and their uses;

"(6) to train personnel in curriculum development; and

"(7) to develop curriculums which combine academic and vocational courses of study.

"(d) For purposes of this section, 'curriculum materials' means materials consisting of a series of courses to cover instruction in any occupational field in vocational education and are designed to prepare persons for employment at the entry level or to upgrade occupational competence of those previously or presently employed in any occupational field.

"LIBRARY RESOURCES, INSTRUCTIONAL MATERIALS AND EQUIPMENT, AND SERVICES

"SEC. 30. (a)(1) There are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1969; for the fiscal year ending June 30, 1970, $25,000,000; for the fiscal year ending June 30, 1971, $50,-

000,000; and for the fiscal years ending June 30, 1972 and 1973, $75,000,000 for making grants for the acquisition of vocational library resources, instructional material and equipment, and services, as defined in subsection (c).

"(2) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1970, and for each of the three succeeding fiscal years for making grants for the construction or major remodeling of facilities to develop or expand library media centers in vocational education schools and programs, and for minor remodeling of library media centers for the use of students and teachers in vocational education schools and programs.

"(3) There are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and for each of the three succeeding fiscal years to enable the Commissioner to arrange through grants or contracts with colleges and universities for the operation by them of short term or regular session institutes for advanced study, including study in the use of new instructional materials, for media specialists, including school librarians and audiovisual specialists employed in or preparing to be employed in vocational education schools and programs. Each individual who attends an institute operated under the provisions of this section shall be eligible to receive a stipend at the rate of $75 per week for the period of attendance at such institute and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent for the period of such attendance.

"(b) From the respective sums appropriated pursuant to subsection (a) for each fiscal year the Commissioner shall—

"(1) reserve such amounts respectively, but not in excess of 3 per centum thereof, as he may determine and shall allocate such amounts among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section;

"(2) from the remainder of such sums the Commissioner shall allocate 1 per centum each, respectively, to each State, and he shall in addition make respective allocations to each State in an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States;

"(3) any amount allocated to a State under this subsection for any fiscal year which the Commissioner determines will not be required for grants or contracts for programs or projects in that State during the period for which such allocation is available shall be available for reallocation by him from time to time to other States in accordance with their respective needs;

"(4) for the purposes of paragraphs (1) and (2) of this subsection, the term 'State' does not include Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) the population of particular age groups of a State of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce; and

"(6) the amount appropriated under this section for the fiscal year ending June 30, 1969, shall be available for obligation for grants or contracts pursuant to applications approved during that year and the succeeding fiscal year.

"(c) For the purposes of this section—

"(1) 'library resources' means items such as books; periodicals; documents; guidance, counseling and audiovisual materials; other printed and published instructional materials, suitable for use in programs of vocational education; other related library materials; and

"(2) 'instructional materials and equipment' means items such as audio-visual equipment; projectors, recorders, screens; record and transcription players; television receivers; closed-circuit television equipment; similar items and necessary accessories suitable for use in programs of vocational education; other related equipment necessary for their storage and use, including library shelving; and minor remodeling of library media centers, classroom or other space used for such equipment for the use of students and teachers in vocational education schools and programs.

"ATTRACTING QUALIFIED PERSONS IN THE FIELD OF VOCATIONAL EDUCATION

"SEC. 31. (a) The Commissioner is authorized to make grants to, or contracts with, State or local educational agencies, organizations, or institutions, and he is authorized to enter into contracts with private agencies, institutions, or organizations, for the purpose of—

"(1) identifying youth and adults who may be interested in careers in vocational education and encouraging them to pursue appropriate preparation for such careers;

"(2) developing information services to inform potential students, parents, and the general public about opportunities that are available; and

"(3) encouraging artists, craftsmen, artisans, homemakers, scientists, engineers, and persons from other professions and vocations to undertake teaching or related assignments in vocational and technical education programs on a part-time basis or for temporary periods.

"(b) There is authorized to be appropriated to carry out this section the sum of $3,500,000 for the fiscal year ending June 30, 1969; for the fiscal year ending June 30, 1970, $4,000,000; for the fiscal year ending June 30, 1971, $4,500,000; and for the fiscal years ending June 30, 1972 and 1973, $5,000,000.

"NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

"SEC. 32. (a) There is hereby created a National Advisory Council on Vocational Education (hereinafter referred to as the 'Council') consisting of fifteen members appointed by the President for three-year terms and without regard to the civil service laws: *Provided*, That with respect to the initial appointments, five of the Council members shall be appointed for one-year terms, and five shall be appointed for two-year terms. The Council shall include not more than five regular full time Federal or State employees. The President shall designate a Chairman from among the nongovernment Council members. To the extent possible, the Council shall include persons familiar with the vocational education needs and problems of management and labor and persons familiar with manpower problems and administration of manpower programs, persons knowledgeable about the administration of State and local vocational education programs, other persons with special knowledge, experience, or qualification with respect to vocational education, and not less than five persons representative of the general public. The Council shall meet at the call of the Chairman, but not less often than four times a year.

"(b) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 5 and the approval of programs and projects under section 4(c) of part A and under part B of this title.

"(c) The Council shall review the administration and operation of vocational education programs under this title, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime; and while so serving away from their home or regular places of business, members of the Council may be allowed travel expenses, including a per diem allowance as authorized in section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $100,000; for the fiscal year ending June 30, 1970, $150,000; for the fiscal year ending June 30, 1971, $150,000; and for the fiscal year ending June 30, 1972, and each fiscal year thereafter, $200,000.

"PART C—BUREAU OF VOCATIONAL EDUCATION

"SEC. 40. The Commissioner shall establish at the earliest practicable date, not later than July 1, 1969, and maintain within the Office of Education a bureau solely for vocational education which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to vocational education. There are hereby authorized to be appropriated for the administration of this bureau $5,000,000 for fiscal 1970, $5,500,000 for fiscal 1971, and for each succeeding fiscal year."

ADEQUATE LEADTIME AND PLANNING AND EVALUATION

SEC. 202. Section 401 of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247, 81 Stat. 814) is amended by inserting "the Vocational Education Act of 1963," immediately after "the Elementary and Secondary Education Act of 1965,".

A MEANINGFUL PLAN TO UPGRADE VOCATIONAL EDUCATION AND GIVE EVERY AMERICAN YOUNGSTER A MARKETABLE SKILL

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, today I intend to introduce, with Congressman LLOYD MEEDS, a bill which will propose major amendments to the Vocational Education Act of 1963. In this effort we are being joined by 30 fellow Congressmen as cosponsors. These include: Mr. FRANK THOMPSON, Mrs. GREEN of Oregon, Messrs. DENT, HOLLAND, CAREY, SCHEUER, GIBBONS, PRICE of Illinois, FARBSTEIN, MATSUNAGA, VAN DEERLIN, ANNUNZIO, SISK, BLATNIK, RONAN, OLSEN, DANIELS, HAWKINS, BELL, WILLIAM D. FORD, HATHAWAY, Mrs. MINK, Messrs. SCHWEIKER, VANIK, ADAMS, HICKS, KUPFERMAN, FRASER, MOORHEAD, FOLEY, KASTENMEIER, and TUNNEY.

You may recall that the administration has already offered a bill, H.R. 15066—which, incidentally, I introduced—to amend the Vocational Edu-

cation Act. However, in the course of 11 days of hearings held by the General Subcommittee on Education—of which I am chairman—it became apparent that the bill did not adequately meet the vast needs for improved vocational education in our Nation.

Therefore, Congressman MEEDS and I prepared this new bill which we and other Members of the House believe represents a more realistic response to the complex problems of preparing youth for employment.

Throughout the United States several million high school graduates will enter the labor market this June, woefully unprepared to obtain meaningful employment. Of those who do go on to college, more than 50 percent will not graduate. And they, too, will face the dismal prospect of looking for jobs without adequate qualifications.

We face a major crisis today in the area of unemployment. And the highest single group of unemployed persons consists of our Nation's young people. Of white males between the ages of 16 and 19, 23 percent are presently unemployed. Among nonwhite males in the same age bracket, the rate is 33 percent. And among nonwhite females between 16 and 19, the rate is a staggering 49 percent.

We have treated vocational education as a stepchild for too long. In the past we have erroneously assumed that only college preparation merited rewards. As a result, we invested our major financial resources in academic subjects while shortchanging the teachers and pupils devoting their efforts to vocational education.

The vocational programs which now exists are in need of immediate updating. A recent national study of high school graduates conducted by the American Institute for Research revealed that less than 50 percent were following occupations for which they had been trained. Moreover, we are not training our young people for the world of work—the habits, attitudes, and basic skills of reading and expression which are vital for success in any job.

The provisions of the present bill will insure that these oversights are at last corrected. The new bill will enable local communities to develop comprehensive vocational education programs that will serve the needs of all our students. In this way, we will at last be able to guarantee that every student who graduates from high school will be equipped with a marketable skill.

Our bill is based on the recommendations of the National Advisory Council on Vocational Education, which was created under the 1963 Vocational Education Act. The first recommendation which we have incorporated is that the State grant provision be raised from its present authorization level of $225 million. We have increased this provision to $325 million for fiscal 1969 and to $400 million for fiscal 1970.

This increased authorization would be used to maintain and expand existing vocational education programs.

Twenty-five percent of the new money would be earmarked for programs for the disadvantaged.

We have also included a separate provision to fund special programs for the disadvantaged.

The reason that we are placing increased emphasis on the disadvantaged in the existing programs and also initiating new programs for the disadvantaged is that we believe that vocational education offers the best long-range remedy for the problems of the ghetto and or rural poverty.

We believe that unless disadvantaged children are educated for employability, the poverty cycle will never be broken. Yet testimony before our subcommittee has shown that only 1 percent of the funds under the 1963 act are being used for programs for the disadvantaged.

Our bill provides that earmarked funds must go to the urban and rural areas where there are concentrations of dropouts and high rates of youth unemployment.

Our bill also provides for two work-study programs.

The first program which is already in operation but which will lapse this June 30 unless reauthorized, has proven to be tremendous success.

In fiscal year 1966 with an appropriation of $25 million the work-study program provided support for 70,139 needy students.

In 1967 and 1968 with an appropriation of $10 million, approximately 35,000 students each year benefited from the work-study programs. If this provision is not reauthorized there will be no program giving part-time jobs to these 35,000 needy students. The administration has not requested any reauthorization.

The second work-study provision is for cooperative education.

In that program the students will spend approximately as much time learning on a job as they will in the classroom. We believe that this type of program offers an opportunity for greater cooperation between business and the schools and avoids the expense of the schools duplicating work facilities already in existence.

Priority in this program must be given to disadvantaged students.

Our bill also provides for residential vocational education schools. These schools will expand the vocational education opportunities and create new environments for those who cannot profit from instruction under existing conditions. They will provide an opportunity for ghetto youths to improve their environments and equip themselves with a marketable skill.

Our bill adopts the administration's proposal on exemplary programs and increases its authorization. Through this provision we hope to fund such programs as those which will acquaint elementary and secondary students with a broad range of occupations and the requisites for careers in such occupations.

In fiscal 1969 the administration is budgeting $290 million for vocational education. We are proposing an increase of $495 million for 1969 and another $590 for fiscal 1970.

We realize that this is an unfavorable year for new programs, but we believe that vocational education is of greatest importance. The youth of our country must be educated for employability and our country cannot afford to delay.

A breakdown of the Pucinski-Meeds bill and an analysis of the bill follow:

[In millions]

	1969	1970	1971	1972
1. Existing programs	$325	$400	$500	$600
2. Work-study	30	30	55	55
3. Exemplary programs	50	100	150	200
4. Disadvantaged	200	250	350	400
5. Cooperative education	50	100	150	250
6. Residential schools	10	300	175	175
7. Home economics	50	50	75	75
8. Teacher training	45	55	90	90
9. Curriculum	7	10	25	25
10. Libraries	5	80	105	130
11. Information services	3.5	4	4.5	5
12. National Advisory Council	1	1	1	1
Total	785.6	1,379.1	1,679.6	2,005.1

PROPOSED AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

A. CONSOLIDATION AND IMPROVEMENT OF EXISTING VOCATIONAL EDUCATION PROGRAMS (EFFECTIVE JULY 1, 1968)

1. *Authorization.*—Increases authorization to $325 million for fiscal 1969, $400 million for fiscal 1970, $500 million for fiscal 1971, $600 million for fiscal 1972 and for each subsequent fiscal year for the purpose of making grants to the states. The present authorization is $225 million.

2. *Work-Study.*—Reauthorizes the work-study provision which lapses June 30, 1968; Thirty million dollars for fiscal 1969 and fiscal 1970, and $55 million for fiscal 1971 and for each subsequent fiscal year. The work-study provision of the 1963 Act is directed towards the full-time student who needs money to stay in school.

3. *Matching.*—Allows state-wide matching of federal funds and eliminates matching by separate categories.

4. *Disadvantaged.*—Requires that 25% of the new money under the state grant provision must be used by the states for programs for the academically, socially, economically, physically and culturally disadvantaged. These funds would be concentrated primarily in the large cities and the poor rural areas.

5. *Research Funds.*—10% of the sums appropriated may be used by the Commissioner of Education for grants or contracts with universities and private and public agencies, also for grants or contracts approved by the bureau administering the vocational program, and for grants or contracts to the state research units.

6. *State Advisory Councils.*—States must create state advisory councils which are to evaluate the state programs and advise the state boards of vocational education on the formulation of the state plans.

7. *State Plans.*—States must submit to the Commissioner of Education annual and five-year state plans showing the projected development of vocational education within the states.

B. NEW PROGRAMS

1. *Exemplary Programs.*—This authorization would be used to fund programs such as those designed to familiarize elementary and secondary school students with a broad range of occupations and the requisites for entrance into those occupations. $50 million for fiscal 1969, $100 million for fiscal 1970, $150 million for fiscal 1971, $200 million for fiscal 1972 and 1973.

2. *Disadvantaged.*—Special vocational education programs to aid the academically, socially, economically, physically and culturally disadvantaged. The states must give assurances that these funds will go to areas of concentrations of drop-outs and youth unemployment which would be primarily large cities and poor rural areas. 90–10

matching of federal funds. These funds would be channeled through the state boards of vocational education. $200 million for fiscal 1969, $250 million for 1970, $350 million for fiscal 1971, $400 million for each succeeding fiscal year.

3. *Cooperative Study.*—Cooperative education, a program where the number of hours spent in school equals the number of hours spent on the job, is directed towards giving students both on the job training and classroom instruction. Priority in assistance must be given to disadvantaged students: $50 million for fiscal 1969, $100 million for fiscal 1970, $150 million for fiscal 1971, $250 million for 1972 and 1973, 90–10 matching of federal funds. Funds would be channeled through the state boards of vocational education.

4. *Residential Vocational Education Schools.*—These residential schools (at least one in each state) would expand vocational education opportunities and create new environments for those who cannot profit from instruction under existing conditions. $10 million for fiscal 1969, $300 million for fiscal 1970, $175 million for fiscal 1971, $175 million for 1972 and 1973. 90–10 matching of federal funds. Funds would be channeled through the state boards of vocational education.

5. *Home-economics.*—$50 million for fiscal 1969 and 1970, $75 million for each succeeding fiscal year.

6. *Teach Training.*—

a. leadership development fellowships—these fellowships would be awarded to administrators, teachers and researchers for study at institutions of higher education. $25 million for fiscal 1969 and 1970, $50 million for fiscal 1971, 1972 and 1973.

b. exchange programs and training institutes—this authorization would be used for exchange programs, institutes, and in-service education for vocational education teachers and administrators. $20 million for fiscal 1969, $30 million for fiscal 1970, and $40 million for fiscal 1971, 1972, and 1973.

7. *Curriculum.*—Grants or contracts would be made for such purposes as evaluating vocational education curriculums and developing curriculums which combine vocational education and academic courses of study. $7 million for fiscal 1969, $10 million for fiscal 1970, and $25 million for fiscal 1971, 1972, and 1973.

8. *Libraries.*—

a. materials and equipment—grants for the acquisition of vocational library resources, instructional material and equipment, and services, $5 million for fiscal 1969, $25 million for fiscal 1970, $50 million for fiscal 1971 and $75 million for fiscal 1972 and 1973.

b. construction and remodeling of libraries in vocational education schools—$50 million for fiscal 1970 and for each of three succeeding years.

c. institutes for study in use of library materials; $5 million for fiscal 1970 and for each of three succeeding years.

9. *Information Services.*—Grants or contracts to encourage youths and adults to enter careers in vocational education. $3.5 million for fiscal 1969, $4 million for fiscal 1970, $4.5 million for fiscal 1971 and $5 million for 1972 and 1973.

10. *National Advisory Council.*—Creation of a Permanent National Advisory Council on Vocational Education with a separate authorization for its operating expenses. The Council would review administration and preparation of vocational education programs and make annual reports of its findings.

11. *Bureau of Vocational Education.*—Creation of a separate Bureau of Vocational Education within the Office of Education and an authorization for its operating expenses.

12. *Advance Funding.*—Allows advance funding of vocational education programs.

THE PRESIDENT'S PERSONAL SACRIFICE FOR PEACE IN THE WORLD SUGGESTS THAT DR. KING CAN DO NO LESS HERE AT HOME

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, as we hopefully and prayerfully await further explanation of reports emanating from Hanoi that preliminary Vietnam peace talks may be forthcoming, we are also awaiting reports from a self-styled domestic minister of peace and tranquility.

I refer to the nonviolent Martin Luther King, who we are informed by press reports is back in Memphis today. He is, the press says, returning to the city which was partially turned to shambles last week as a result of his appearance there. Dr. King, as we saw on television and read in the news accounts, was then faithful to his preachments of nonviolence. When the predictable disturbance erupted, Dr. King hastily demonstrated his own dictum of nonviolence by scrambling into a car to be speedily removed from the scene of violence to an alley hideaway.

In city after city, in place after place, the Nation has witnessed a scene as familiar as a late TV movie. Dr. King plans a march or a demonstration and attracts considerable publicity—as well as funds—concerning such event. On the assigned day, Dr. King arrives, delivers a few well-chosen words designed to arouse passions and emotions. He marches a few blocks, maybe, and leaves the scene for another target. The usual scenario is one of violence.

As we saw in Memphis last week and may see again there this week, Dr. King left strewn in his path of nonviolent improvement for his fellow man only death and destruction.

Now, we in the Nation's Capital city, await similar treatment. We await the ordained minister of the Gospel to come to Washington to promote the plight of the poor. We await his exhortations which in my opinion can lead to nothing but a recurrence of past disorders, destruction, and death.

While we await and pray for steps toward peace in Southeast Asia, we await a war between Americans here in the shadows of the shrines of liberty.

We are aware, all of us here, that it will not take much of a spark to touch off a holocaust here in Washington. The elements are right. Just last night, in a downtown drugstore, a few young punks touched off a near riot—simply because they were looking for trouble. I submit that Dr. King's planned march in Washington later this month will attract those who are bent on violence. Dr. King admitted publicly that he could not control the young hoodlums who precipitated the Memphis riot. Why does he think he can control them here?

I now strongly urge Dr. King and his followers to abandon the so-called Poor People's Campaign scheduled to be held here this month and turn their energies and efforts to plans and programs that will unite all Americans, rather than divide, build rather than destroy, and heal rather than wound.

As our President makes a personal sacrifice for peace in the world. I suggest that Dr. King and others can do no less in the search for peace here at home.

CENSUS OF BUSINESS

Mr. JONAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Speaker, I have received a letter from a businessman constituent pointing out the hardship imposed on him and other owners of small businesses by the Census Bureau requirement that a voluminous set of forms be filled out and returned just 15 days after these businessmen have finished making out their income tax returns.

The information asked for is required by the Bureau for the Economic and Business Census.

The huge packet of forms received by my constituent quite understandably discouraged and frightened him by its weight alone—3 pounds and 10 ounces.

He is further frightened and intimidated by the notice that he is "required by law (title 13, U.S. Code)" to complete and return the forms not later than April 30. Title 13, section 224, of the United States Code sets a maximum penalty of $500 or 60 days imprisonment, or both for failure to complete and return the forms on time. This section further provides that if he "willfully gives a false answer" to any of the questions, he can be fined a maximum of $10,000 or imprisoned not more than 1 year, or both.

My constituent points out that these forms require the submission of information based on a fiscal year which contains at least 10 months of the previous calendar year. He points out that since he operates his business on a fiscal year basis, it is impossible to keep records for a period containing 10 months of any one calendar year. In addition, it would cost him untold man-hours by high salaried personnel to fill out these forms by hand, since he has no way of utilizing the bookkeeping machines which he normally uses.

He has been advised by his accountants that they could not even produce reasonable estimates of the figures for the periods requested by the Census Bureau, even if he had the personnel available.

I do not question the usefulness of the economic and business census, but I cannot believe that all this finely detailed information is really needed.

The Census Bureau should take it upon itself to streamline these forms and reduce the unreasonable demands on businessmen; but if the Bureau will not do this, I call for an investigation of this matter by the appropriate committees of

the House and for corrective action to take this burden off the backs of businessmen who are already hard pressed by the recordkeeping requirements of the Federal Government.

After studying these forms and requirements in their present state, I certainly cannot blame businessmen for being irritated and discouraged by this constantly increasing harassment by agencies of the Federal Government.

IMPOSING A SPENDING LIMITATION

Mr. BOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, the vote for the Williams expenditure limitation in the other body yesterday is a significant shift of policy and a vindication of the position taken by this House in four separate votes last year.

You will recall that my amendment to impose a spending ceiling $5 billion below the President's estimate for the current year was endorsed in four record votes in the House in October of 1967. But the Senate conferees were adamant in their opposition to a spending limitation and eventually we compromised on the 2-and-10 formula embodied in Public Law 90–218.

It is gratifying to see that the other body now endorses the principle of a spending limitation.

This is a significant victory for fiscal responsibility and for the taxpayers of the United States.

The House should proceed at once to the consideration of House Joint Resolution 1150 which I introduced on March 5 and which would provide a spending limitation $8 billion below the spending estimates in the President's budget. Senator WILLIAMS offered the same limitation, and the Senate eventually compromised on a $6 billion saving.

It seems clear that if the House now adopted House Joint Resolution 1150, we could go to conference in a much better atmosphere than prevailed last fall and we could impose a spending limit of $8 billion or $6 billion below the budget.

It is significant to me that the President, in his dramatic speech of Sunday night, indicated that his attitude toward a spending limit has changed. If the Congress should vote for such a limit, I am confident he would submit to us an adjusted budget with new priorities to conform to the will of Congress.

Mr. Speaker, I am firmly convinced that an absolute ceiling on all controllable spending is the only answer to our financial dilemma.

Adopted now, such a ceiling would give our Appropriations Committee the guidance we need as we consider and report the various appropriation bills. It would mean, in effect, that the Congress has given us a piece of cloth from which we must somehow cut the garment, and if the pants are tight or the sleeves are short, I remind you that we are in a war and there is a crisis in confidence in the dollar that threatens dire financial trouble all over the world.

I call upon my chairman, the gentleman from Texas, to schedule House Joint Resolution 1150 for immediate consideration in our committee

VIETNAM PEACE NEGOTIATIONS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, it is my understanding that the news has come through on the ticker that the Hanoi government has agreed, under as yet I do not know what conditions, to negotiate. There is one thing that I do want to call to the attention of the Members of the House. The Korean war officially proceeded from June 25, 1950, to July 13, 1951. During that period of time we had 20,929 deaths and 53,784 wounded. After the armistice negotiations started from July 13, 1951, to July 27, 1953, we had 12,700 additional deaths and 49,501 wounded. So we had 20,929 deaths before the armistice negotiations and 12,700 deaths afterward.

In Vietnam from January 1, 1961, to January 20, 1968, the record of casualties are as follows: 16,677 killed and 100,000 wounded. I understand that unofficial figures to date have run the death list up to approximately 20,000, including the months of 1968, and noncombat deaths are listed at around 3,500.

Mr. Speaker, I bring this information to the attention of the Members of the House because I want to emphasize the fact that unless we go to the negotiating table and unless we agree to conditions that will stop the killing, we might very well go through the same experience that we went through in 1951 when we went to the armistice negotiation table and still lost 13,000 more boys.

Now, I hope that the negotiations are real negotiations. I hope they are not phony. I hope that the continuation of death after we go to the negotiating table does not occur as it did in the Korean episode.

Mr. BOLLING. Mr. Speaker, will the gentleman yield for one point of clarification?

Mr. HOLIFIELD. I yield to the distinguished gentleman from Missouri.

Mr. BOLLING. I think that the gentleman makes an enormously important point, one which I have tried to make to my own constituents. But I would question the use of one word, and that is that we had achieved an armistice when we started negotiations. My impression is that everything the gentleman has said is correct, except the use of the word "armistice." We had these casualties during negotiations. We did not actually achieve a truce until a later date.

Mr. HOLIFIELD. The gentleman's point is technically correct.

Mr. BOLLING. I am not questioning the gentleman's point. I wholly agree with the point.

Mr. HOLIFIELD. I am glad that we have clarified that point. What I am talking about is the same thing. If these negotiations are going to be real let us have a stop to the killing during that period of time. If they are not going to be real, in my opinion we will be making a mistake.

And, I will say this further: I hope the negotiations do not lead to the inclusions of certain elements of the Communist—the avowed Communist Vietcong National Liberation Front, with the intent to permit them to participate in the Government of South Vietnam.

In other words, Mr. Speaker, in a situation like that where you have a weak nation, a conspiratorial few can override an unorganized nonconspiratorial group in any kind of society. I have seen this happen in the labor unions when the Communists took over the labor unions out in California back a number of years ago. I have seen a few conspirators among Young Democrats take over the whole Young Democratic group of California in the 1930's and we had to go to the Supreme Court of California to try to seek redress in that situation, and I will say the same thing will happen in South Vietnam if we let the Communist conspirators to participate in the Government of South Vietnam that you are asking, in essence, for a surrender of everything for which we have fought.

ATTORNEY GENERAL VIOLATES HIS TRUST

Mr. RARICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RARICK. Mr. Speaker, time was in the history of our Nation when the U.S. Attorney General was a respected and honored position held by a learned appointee duty bound to his oath of office to preserve and defend the Constitution and laws of the United States.

Yesterday, Attorney General Ramsey Clark went before the Supreme Court for the first time in office. Not to defend the laws of the United States, not to prosecute criminals, draft dodgers, or flag burners, not to urge against more soft-on-communism rulings, but for the express purpose of attacking private ownership of property—to destroy age-old laws and precedents.

The U.S. Attorney General in a suit not even involving the U.S. Government entered the case as a friend of the court to throw the weight of his office behind a revolutionary concept of law which favors open housing.

Since Clark will do nothing to stop crime on the streets or prosecute enemies of the U.S. people, we can but concede that the only enemy recognized by Mr. Clark is the segregationist and private property owner.

A most unique position for a U.S. Attorney General who talks of democracy and one man, one vote, yet by his actions shows he does not trust democracy

or believe in the vote because there is a chance democracy may not want his system and the people will vote against his socialized theories.

The Attorney General is fully aware that the notorious open housing bill is pending before Congress. Can it be he seeks to intimidate the upcoming vote of the entire House of Representatives with an attitude of "I don't care what Congress does—we bureaucrats will not wait on Congress. We'll take the law in our own hands"?

Under any existing rule of law or ethics, Ramsey Clark's appearance aforesaid has violated his oath of office and his appearance is a misuse of taxpayers' funds. He was under no duty or obligation, and his action must at most be evaluated as expressing his personal convictions or political commitments.

I call on Ramsey Clark to vacate his appearance amicus curae in the Supreme Court as a representative of the American citizens and U.S. Attorney General. And that he apologize to the Members of the U.S. House of Representatives for such high-handed action.

Mr. Speaker, I place the Bullen report from the Washington, D.C., Evening Star at this point in the RECORD:

CLARK ASKS SUBURBAN HOME BIAS BAN

(By Dana Bullen)

Atty. Gen. Ramsey Clark has called on the Supreme Court to rule out racial discrimination in home sales by large suburban real estate developers.

"It is the experience of this decade that of all the forms of discrimination the most harmful . . . is segregation in our living," he told the justices during an oral argument yesterday.

Clark said that discrimination in housing "makes it almost impossible" to obtain fulfillment of the right to schooling, employment and other things.

"The pattern of segregation created in these subdivisions will have exactly the same effect as would segregation created by a legislature or a city council," the attorney general said.

APPEAL BACKED

Clark, whose appearance marked his first argument in the Supreme Court as attorney general, supported an appeal by an interracial couple who were denied a home in a new North St. Louis County, Mo., subdivision.

The government entered the case as a friend of the court because of "very great concern that the rights involved be fully secured and fulfilled for all our people," Clark said.

Observers considered the attorney general's personal appearance in the case significant, especially in light of President Johnson's recent statements accusing the House of "fiddling and piddling" rather than enacting Senate-passed open housing legislation.

Clark urged the justices to hold that the developer of a large subdivision acts so much like a municipality that he comes within the 14th Amendment's ban on discriminatory "state action."

AN 1866 LAW CITED

On a second point, the attorney general contended that a century-old 1866 federal law supporting the right of all citizens to buy and sell property bars discrimination in home sales.

The Reconstruction Era statute has not been enforced in a racial context in 60 years, but Clark maintained that the fact that the law has been rarely invoked did not lessen its validity.

In the case before the tribunal, Mr. and Mrs. Joseph Lee Jones, are appealing from lower federal court rulings that upheld a developer's refusal on racial grounds to sell them a home.

The Jones's lawyer, Samuel H. Liberman of St. Louis, joined the attorney general in urging the Supreme Court to rule that either the 14th Amendment or the 1866 statute prohibits such acts of discrimination.

Under questioning by the justices, both Clark and Liberman indicated that the century-old law, if given new vitality by the high court, might serve to prohibit discrimination in home sales by individuals as well.

The Senate-passed housing bill would bar discrimination in house sales by brokers, but it would not rule out discrimination in individual sales by a homeowner himself.

CITES LAW'S HISTORY

The opposing lawyer, Israel Treiman, of St. Louis, argued today for the subdivision developer, Alfred H. Mayer Co., and affiliated firms that neither the 1866 statute nor the 14th Amendment barred the developer's action.

Treiman maintained that the Reconstruction Era law was intended only to prohibit state legislative restrictions in post-Civil War Black Codes on Negro rights rather than private discrimination.

The debate in Congress at the time and other materials, the lawyer said, "overwhelmingly proved that the bill was never intended to be directed at anything but laws, legislations."

On the second point, Treiman asserted that it was "fallacious to argue that private suburban development takes on the obligations of a government unit."

The lawyer maintained that in view of current congressional deliberations it would be "gravely inappropriate" for the Supreme Court to attempt to deal with the same questions in the St. Louis case.

THE INDOMITABLE WILL OF MAN

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under previous order of the House the gentleman from New Jersey [Mr. PATTEN] is recognized for 60 minutes.

Mr. PATTEN. Mr. Speaker, today more than ever we are reminded of the indomitable will of man to remain free despite the controls of totalitarian society and government. The events in Prague and Warsaw in recent weeks just as much as the glorious but tragic Hungarian fight for freedom in 1956 and Rumania's attempts to escape economic tutelage of the Soviet Union, provide proof that human rights and national independence form indelible values in the minds of the peoples of Eastern Europe.

We hear of the "revolt of the students and intellectuals," which extends over and beyond the countries of Eastern Europe into Soviet-controlled Ukraine itself, we hear of the hopes and aspirations of the peoples for higher living standards, and more political freedom. We hear of the universal dislike and hatred of the police regimes still in existence in these countries and the rejection of Marxist-Leninist ideology even on the part of the youth and the workers.

Despite these hopeful signs it is obvious that Russian military power still controls the fortunes of these peoples despite their feeling that they should not be curtailed in their right of national self-determination and political independence. We have the brutal control of the Soviet military and political apparatus and their local agents in these countries despite the struggling national spirit in these states which includes even some who are nominally Communist.

Under these circumstances it is up to us to expose the real nature of Soviet Communist rule, to denounce the colonial-like controls maintained by the U.S.S.R. in the form of military occupation or subservience through the Warsaw pact, the economic strangulation of the region by the CEMA and bilateral treaties with Moscow, and the pressure brought to bear upon elements who want to improve, no matter how slightly, the political and economic conditions in these respective countries.

It behooves us in this moment especially, not only in order that the freedom-loving elements in these countries do not feel that we have abandoned them, but also because the Soviet Union in the United Nations and elsewhere attacks the United States for upholding the rights of small nations to remain free in the face of external force and internal subversion. Let us remind the world where the real aggressors are, and what real aggression has meant for 110 million East Europeans and 55 million Ukrainians and Byelorussians and who this aggressor has been: Soviet communism.

Therefore, today I call upon the President in the form of the concurrent resolution, to have Ambassador Goldberg to raise the issue of the withdrawal of Soviet military forces from Eastern Europe in the General Assembly of the United Nations when that body meets again in the Year of Human Rights next fall. Let us not believe that peace can be won while the conditions of strife remain present and the cry of oppressed continues to be heard in large sections of the world.

Mr. McCORMACK. Mr. Speaker, World War II brought about startling and shocking changes in many parts of Europe. Some of these changes, such as serious setbacks in the economies of nearly all countries and disruptions in governmental structures, could be called inevitable consequences of the war. But one change, the division of Europe into two opposing camps, might have been avoided had the victorious allies been willing to carry out in unison their solemn pledges. As it was, the Soviet Government deliberately and cynically failed to carry out its wartime pledges, because it had designs to dominate as much of Europe as it could. It succeeded to the extent of bringing about the enslavement of more than 100,000,000 innocent people.

The fate of these people was seriously and sadly involved in the war. They all fought valiantly against the common enemy and made immense sacrifices, both materially and in human losses. They endured abominable hardships and untold miseries, and they all hoped that at the end of the war they would regain their freedom and live in peace. Unfortunately, however, by the end of the war the Red army was in actual occupation of their homelands, and they were prisoners of the Kremlin. Thus, by mid-1945, Europe was cut in two parts; those countries under Soviet occupation, or in

the Soviet sphere of influence, were east of a line from Stettin on the Baltic Sea to Trieste on the Adriatic, including Estonia, Latvia, and Lithuania in the north; Poland, part of Germany, Czechoslovakia, Austria, and Hungary in Central Europe; and nearly all the Balkans—except Greece—in the south. With some slight change that situation continues to this day, and the people in all these lands suffer under Soviet-imposed Communist totalitarian tyranny. During this period of more than two decades only Austria was fortunate in securing its freedom; and the Yugoslavs succeeded in shaking off Moscow's hold over them, but remained a Communist dictatorship; while peoples in all other parts of Central and Eastern Europe still are held down by the minions of the Kremlin.

This mischievous and inhuman act of the Soviet Government has been under constant attack by the leaders of the free world. On innumerable occasions these leaders have pleaded the just and righteous cause of these peoples and have asked the Soviet Government to show some willingness to allow certain freedoms to peoples in these lands. But such efforts have consistently failed to bring about the desired result, and the Soviets have never been disposed to yield to any reasonable approach to this human problem. Except where they seem forced to come to terms with stern realities, such as the defiant challenge to the Kremlin's once unquestioned dictation, as shown in the present behavior of Rumania's leaders, or even the most defiant stand of Yugoslavia's Tito almost two decades ago, the masters of the Kremlin have never been willing to loosen their hold over their satellites in Europe.

The peoples in these parts of Europe have not been reconciled with their unhappy lot, and some have done their utmost to free themselves from the clutches of Communist tyranny. The open uprising of workers in Poland in 1956, the disturbances in East Berlin, and specially the valiant rebellion of the Hungarian people in 1956, were clear demonstrations that these sturdy and stouthearted people had not relinquished their right to freedom, and had been keeping their spirit of freedom very much alive.

Even though these uprisings and revolts have not been successful, yet in the end these peoples did gain a modicum of freedom, and this in turn has encouraged them to seek more economic, cultural and even political freedoms in the fervent hope that soon they will be rewarded with full freedom and independence. Fortunately, Soviet leaders, who were once so cruelly confident in their firm hold of these peoples, today find themselves in an embarrassing position, and are compelled to loosen their tight hold over their satellite allies in Europe, allowing them relatively more freedom. However, these peoples cannot be bribed with such piecemeal concessions and they are clamoring for more freedoms. Recent disturbances in Czechoslovakia and Poland reinforce such a view, while Rumania's open defiance of Moscow and its freedom to deal with the free world on its own terms is a most encouraging sign of the slowly "withering away" of the monolithic Kremlin domination over these peoples. Let us all hope and pray that with patience and fortitude these peoples will carry on their struggle for freedom, in the firm belief that soon they all will attain their goal; full freedom and independence.

Mr. BUCHANAN. Mr. Speaker, I rise to speak in support of the gentleman's resolution of which I am a cosponsor. The key to respect for human rights is self-determination. This is as true in the case of a nation as it is in the case of an individual. A nation deprived of its right to shape its own destiny is a nation greatly wronged and a nation enslaved. The freedom-loving people of Hungary and other East-Central European nations have a right to freedom and self-determination. They have been denied that right. In this enlightened year of 1968 the denial of free elections and the suppression of free speech, free press, and free assembly constitute the rule rather than the exception of the Communist regimes in East-Central Europe where the rights of 100 million people are held in contempt.

On December 10, 1948—almost 20 years ago—the General Assembly of the United Nations passed the Universal Declaration of Human Rights defining said rights relating to citizens of all member states which was accepted by both the United States and the U.S.S.R.

But despite resolutions by the United Nations and our own Congress, Soviet occupation troops are still maintained in Hungary and their removal has not been discussed since 1962.

If self-determinism is denied, no other right is secure. It seems incongruous that the Soviets would insist upon our withdrawal from Southeast Asia while they remain in East-Central Europe. There is one significant difference: our troops are in Southeast Asia to aid South Vietnam in her struggle for self-determination. Soviet troops are in East-Central Europe to see that self-determination is denied. It is fitting, then, that this resolution be passed today as one of the instruments to press the Soviet Union and the Communist regimes of East-Central Europe to restore to the peoples of these countries the full enjoyment of their rights and freedoms.

Mr. SCHADEBERG. Mr. Speaker, I am proud to participate today with my distinguished colleagues in saluting the stalwart peoples of the countries behind the Iron Curtain, in repeating our pledge to these peoples of our continuing support of their yearnings for the freedoms which we in the United States enjoy, and in urging the United Nations to take cognizance of the plight of these peoples.

During my years in this Congress I have repeatedly called for a formal expression by this House of its dedication to these freedoms for all the peoples of the world and particularly for those who are now denied them. Last year I sponsored House Concurrent Resolution 215 which would authorize and request the President to instruct our Ambassador to the United Nations to demand that the United Nations enforce its charter provisions which guarantee self-determination to all peoples, by placing on the agenda of the General Assembly at its next regular session any measure which would guarantee internationally supervised free elections by secret ballot for the peoples held captive by the world Communist movement and by pressing for early approval of such measure.

To paraphrase Abraham Lincoln, the world cannot exist half slave, half free. There is a direct threat to our freedom as long as the Communists deny freedom to any peoples of the world.

Mr. BATES. Mr. Speaker, I am pleased to have this opportunity to join the gentleman from New Jersey [Mr. PATTEN] and other Members of this House in support of the resolution introduced today to call upon the United Nations to renew its efforts toward obtaining the principles of self-determination and freedom for the still subjugated peoples of the world.

We are here particularly concerned with the continued failure of the Soviet Union to comply with its acceptance of the Universal Declaration of Human Rights with respect to the Hungarian, Polish, Czech, Slovak, Carpatho-Ruthenian, Latvian, Lithuanian, Estonian, East German, Rumanian, Bulgarian, Albanian, Ukrainian, and White Ruthenian peoples. They remain enslaved by their Russian overlords despite the provisions of that declaration as adopted by the United Nations in 1948. Moreover, Russian troops still occupy Hungary despite U.N. General Assembly resolutions calling for their removal.

I think it is appropriate here to emphasize that the resolution now being presented before the Congress states:

It is vital to the national security of the United States and to the perpetuation of free civilization that the nations of the world act in concert through the forum of the United Nations in demanding national self-determination and political independence for the peoples enslaved by Communist governments.

It is my hope that early hearings will be held on this resolution so that the Congress can formally register its desire to see the Soviet Union abide by the obligations of its United Nations membership concerning colonialism and the sovereignty of other nations, as well as the U.N. Charter provisions affecting the rights of self-determination and freedom for all peoples.

Mr. ASHBROOK. Mr. Speaker, it is indeed encouraging that the issue of self-determination for the peoples held captive by the tyranny of communism is being given consideration by the House here today. For too many years the plight of these millions of subjugated peoples has been forgotten in international circles. It is certainly tragic that their cause has received only lipservice in the United Nations while this international body receives into its membership nations founded within recent years. The free world is deeply indebted to the captive nations for the many contributions they have provided during the course of their long histories.

I heartily endorse the proposal that the United States through its U.N. Ambassador seek to have the U.N. consider the issue of self-determination for these peoples. In the 89th Congress and again

in the present Congress I have introduced legislation which would have this Nation take the initiative in bringing this issue up before the U.N. After introducing House Concurrent Resolution 367 in 1965, I asked for a report from the State Department concerning the merits of this proposal. Unfortunately, State did not agree with this measure. Here is an excerpt from the letter which I received on House Concurrent Resolution 367:

> The Department of State believes that in the United Nations Soviet imperialism is most effectively exposed by timely and pertinent statements that relate Soviet imperialistic activities to a concrete issue being discussed before a major United Nations forum.

The letter went on to say:

> United States representatives have delivered forceful and detailed attacks on Soviet imperialism during debates on the general question of colonialism. On numerous occasions they have also called attention to Soviet imperial practice by linking a specific Soviet act or policy of repression with an individual item being discussed before a United Nations body.

Finally, State said "no" in these words:

> The essential problem facing the United States is to adapt existing capabilities most realistically and effectively to serve the interest of the United States in opposing and combatting Soviet imperialism. The proposed resolution, in the judgment of the Department of State, would not further this objective.

I think the position taken by the State Department as stated above is a prime example of why the forces of communism have made such unparalleled advances in the last 50 years. The forces of the free world, the United States included, have not taken the moral initiative through existing channels to extend the areas of freedom throughout the world. As in the case of the above-quoted letter, we have been content to just talk while refusing to take steps to place this issue on the agenda of the United Nations for consideration. If one recalls how often the issue of Red China has been on the U.N. agenda in recent years, it can be seen why the free world is losing.

The issue of self-determination for the captive peoples is a just, peaceful and necessary step which must be brought before the United Nations if the forces of freedom are to take the moral offensive in this struggle with this international tyranny.

Mr. DULSKI. Mr. Speaker, I am happy to join today in sponsoring a concurrent resolution inviting renewed attention to the plight of oppressed peoples everywhere.

Consideration of this matter by the United Nations is long overdue and the resolution calls upon the President to seek action this year toward helping these peoples to achieve self-determination and political independence.

Adoption of this resolution will serve to highlight the continuing injustices and also will exert a certain pressure upon the Soviet leaders to grant an increasing measure of freedom to these subjugated peoples.

Mr. ST. ONGE. Mr. Speaker, at the present time millions of citizens in the Eastern and Central European bloc of countries are showing increasing signs of restiveness under the monolithic domination of communism. Such behavior tends to substantiate what I have publicly stated at numerous times in the past, to the effect that no Western people will indefinitely tolerate the denial of their self-determination. This belief applies with particular relevance to the presently subject ethnic groups of Eastern Europe who can point with pride to a thousand years of continuous cultural and political existence. Until these people are granted their right to self-determination and political independence the entire peace and stability of Europe will continue to be in jeopardy.

One of the founding principles of our country was the guarantee of self-determination for all, and this has become a basic tenet of our foreign policy. The Charter of the United Nations sets forth that one of the reasons for its existence is the belief in the freedom and sovereign equality of every nation. The United States and the rest of the membership of the United Nations are pledged to the universality of these principles and the extension of their benefits to all people. In addition, the General Assembly of the United Nations passed the Universal Declaration of Human Rights which was accepted by both the United States and the U.S.S.R., defining these rights as relating to the citizens of all member states.

In view of the foregoing, I am cosponsoring a concurrent resolution to the effect that the President of the United States is hereby authorized and requested to instruct the U.S. Ambassador to the United Nations to request, at the 1968 session, that: First, the United Nations insist upon the fulfillment of its charter provisions based upon self-determination of all peoples in the form of the sovereign equality of states and condemnation of colonial rule; and second, the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations through the withdrawal of all Soviet Russian troops and agents from other nations now under Communist rule, and through returning to their respective homelands all political prisoners now in prison and labor camps.

Mr. Speaker, I strongly urge the passage of this resolution as evidence of our continuing dedication to the principles of freedom and self-determination. In so doing we shall help to preserve the hope for eventual sovereignty for millions of East Europeans who are currently living under Soviet imperiocolonialism. I firmly believe that when the Soviet Union recognizes the rights of the ethnic minorities which it now seeks to dominate its own security will be enhanced, and the cause of permanent peace enormously advanced.

Mr. HELSTOSKI. Mr. Speaker, I am pleased to join with other Members of the House in sponsoring a resolution which appeals to the United Nations to consider the plight of the peoples of the Eastern European countries in their determination to obtain political independence and obtain guarantees that they will be given the opportunity to decide upon their government leaders.

I am pleased that this resolution is being introduced in the House today to express our interest in this matter. As Members of Congress, we have debated the civil rights of our American citizens with respect to their electoral voice in our governmental process. Our concern is perhaps justified, but what of the right of the Eastern Europeans for representation through their vote?

Why are these voices stilled on their right to self-determination and in their fight for their independence?

I think it is well to comment on the captive nations and their rights, just as we debate upon the rights of the minorities in our own United States.

The World Federation of Hungarian Freedom Fighters, with headquarters in New Jersey, points out that there is a minority of something like 98 percent of the Hungarian people who do not have the basic human rights of self-government, freedom of speech, equal justice under the law, freedom of religion, freedom of travel, freedom to grow in a competitive economy and freedom in the control of foreign troops.

The world today is witnessing a massive commitment by the United States to maintain the integrity of non-Communist countries, but what of the world of Eastern Europe that has no wish to be Communist?

In the United States, popular dissatisfaction with the administration, or a Member of Congress, or any official on the State, county, of local level, leads to the ouster of the offending party or person through a rejection by means of the ballot box. If the same were true in Eastern Europe, there would not be a Communist government in any of the captive nations. In not any one nation is there popular support for such alien governments, but there is military support—from the Soviet Union.

The people do not govern in a Communist country. The political perpetuity in Eastern Europe and other Communist satellites are not political, but military.

The only way the United States can bring about some easing of the burden of the captive peoples of Eastern Europe is to demand hard concessions from the Communist governments.

It is my hope that through the resolution that is being introduced today obtains the desired effect to bring about the right of self-determination and political independence to these captive European nations.

Mr. HALPERN. Mr. Speaker, I am proud to join in sponsoring this concurrent resolution to urge that pressure be brought through the United Nations to restore complete independence to the enslaved nations of Eastern Europe. It goes without saying that any Soviet adherence to the concept of Eastern European sovereignty demands, at the very least, that the Soviet Union remove its troops now occupying these nations, and repatriate all political prisoners, now being held in Soviet prison camps, to their respective homelands.

The plight of Eastern Europe is a tragedy well known to us all. The Soviet

Union's oppression of these countries, and its maintenance of a colonial hold over them, stands as a monstrous example of national slavery contrary to the U.N. charter provisions for self-determination of all peoples.

We must, therefore, make every diligent effort possible through the United Nations to bring an end to Soviet imperialism, and restore these captive nations to their centuries-old tradition of independence.

It is my sincere hope that the House will give this measure its overwhelming support.

Mrs. KELLY. Mr. Speaker, I am delighted to join with my colleagues in once again reaffirming our firm belief that the peoples of Eastern Europe should have the right to self-determination.

As the author of House Concurrent Resolution 709, whose text I shall include in the RECORD at a later point, and as the chairman of the Subcommittee on Europe of the Committee on Foreign Affairs, I have tried over the years to call to the attention of our country and of the world at large the fact that millions of people in that area of the world continue to be denied the right to freely determine their own destiny.

Mr. Speaker, during the past 10 years we have witnessed some encouraging developments in Eastern Europe.

We have seen the most repressive tactics of the Stalinist period abandoned.

We have seen some of the governments of that area adopt more liberal policies in allowing the people of such countries as Poland, Hungary, and Yugoslavia more freedom to travel within their own country and to have contacts with people in the West.

We have also seen the liberalization of some economic policies away from central domination of every aspect of the economic life of those nations.

Nevertheless this progress has been spotty and uneven. In some instances brief periods of moderation were followed by the revival of repressive measures directed against the people.

One of the most interesting and perhaps far-reaching developments is taking place today in Czechoslovakia. If we are to judge on the basis of the reports coming from that country, the era of a hard-line, oppressive rule may be coming to an end in Czechoslovakia.

The articles being printed in the Czechoslovakian newspapers; the reports being broadcast by the Czechoslovakian radio, the demonstrations by students, intellectuals, and other groups, all attest to the fact that a change for the better may be taking place in that country.

All of us would certainly welcome such a change in Czechoslovakia and in the other Eastern European countries, particularly if the net effect of these developments will be to allow the people to play a freer and more substantial part in the affairs of their countries.

Mr. Speaker, we continue to look forward to the day when all of the people of Eastern Europe will have the opportunity to communicate freely with each other and with their friends in the West, to travel, to worship, and to decide the economic, social, and political policies of their countries.

The text of my House Concurrent Resolution 709 follows:

H. CON. RES. 709

Whereas the United States of America was founded upon and long cherished the principles of self-determination and freedom; and

Whereas these principles, expressed in the sovereign equality of nations, are the very reason for the existence of the United Nations, as set forth in the charter of that world organization; and

Whereas the United States and all other members of the United Nations have solemnly pledged themselves to make these principles universal and to extend their benefits to all peoples; and

Whereas on December 10, 1948, the General Assembly of the United Nations passed the Universal Declaration of Human Rights which was accepted both by the United States and the U.S.S.R., defining said rights as relating to citizens of all member states; and

Whereas since 1918 Soviet communism has, through the most brutal aggression and force, deprived millions of formerly free peoples of their rights to self-determination; and

Whereas the Congress of the United States has unanimously expressed in Public Law 86–90, approved July 17, 1959, its revulsion at the continued enslavement of the peoples of Eastern and East Central Europe who were described by the said Public Law as captive nations; and

Whereas the Hungarian, Polish, Czech, Slovak, Carpatho-Ruthenian, Latvian, Lithuanian, Estonian, East German, Rumanian, Bulgarian, Albanian, Ukrainian, and White Ruthenian peoples may only look to the United States and the United Nations for the restoration of their national self-determination and political independence; and

Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion the problem of self-determination and political independence of the peoples of Eastern Europe; and

Whereas, despite the numerous resolutions passed by the United Nations General Assembly, Russian occupation troops are still maintained in Hungary and the issue of their removal has not come up for discussion in the Assembly since 1962; and

Whereas it is vital to the national security of the United States and to the perpetuation of free civilization that the nations of the world act in concert through the forum of the United Nations in demanding national self-determination and political independence for the peoples enslaved by Communist governments; and

Whereas the Constitution of the United States of America, in article II, section 2, vests in the President of the United States the power, by and with the advice of the Senate, to make treaties and to appoint ambassadors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to request at the 1968 session that (1) the United Nations insist upon the fulfillment of its charter provisions based on self-determination of all peoples in the form of the sovereign equality of states and condemnation of colonial rule; and (2) the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations through the withdrawal of all Soviet Russian troops and agents from other nations now under Communist rule and through returning to their respective homelands all political prisoners now in prison and labor camps; be it further

Resolved, That the President of the United States is further authorized and requested to use all diplomatic, treatymaking, and appointive powers vested in him by the Constitution of the United States to augment and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination and political independence of these nations.

Mr. MINISH. Mr. Speaker, I commend our distinguished colleague, the gentleman from New Jersey [Mr. PATTEN], for calling to the attention of the Congress the tragic plight of the captive nations and the need to keep before the world their inalienable right to self-determination and political independence.

These nations with a population just over 100 million extend from the Baltic to the Black Sea region. Nearly all of them had regained their freedom and independence after the First World War, and all of them had attained maturity during the two decades of the interwar years. Many of them had become valued members of the world community of free nations, but they were living, toward the end of the 1930's, in fear of losing their freedom. None of them, however, could have envisaged the cruel fate that was to be theirs during the war years, and especially since the end of the war.

Two decades have gone by since these nations were enslaved by Communist tyranny, and the leaders of the free world have been unsuccessful in their attempts to free them. But we have not given up our hope for their freedom. Their cause has remained fresh in the hearts of not only the millions of American citizens of East and Central European descent, who have been so stanch and faithful to their tragic brethren, but to all people who cherish human rights and national independence.

Adoption of the pending resolution would reflect our Nation's commitment to the charter provisions of the United Nations based on self-determination of all peoples in the form of the sovereign equality of states and condemnation of colonial rule. I urge its speedy passage.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the subject of my special order, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HUMAN RENEWAL FUND

The SPEAKER pro tempore. Under previous order of the House the gentleman from New York [Mr. GOODELL] is recognized for 10 minutes.

Mr. GOODELL. Mr. Speaker, on Wednesday, March 6, eight Republican Members of the House of Representatives announced a plan to establish a "human renewal fund" which would reorder our national priorities through immediately deferring the nonessential expenditure of more than $6.6 billion and plowing back $2.5 billion into urgent human and urban programs. An overall saving of at

least $4.1 billion would accrue from this reordering of our national priorities. As a member of the group which developed the idea, I am pleased that over 60 Republican House Members have endorsed the "human renewal fund." Significantly, another large group of Republicans have endorsed the concept of priority spending as outlined in the "human renewal fund."

Since the announcement of the "human renewal fund," the urban affairs task force, led by Congressman WILLIAM COWGER, of Kentucky, has conducted hearings on how the "human renewal fund" might be implemented. Testifying before the urban affairs task force have been a group of New York investment bankers interested in human and urban renewal; Mr. Pat Healy, executive director of the National League of Cities; Mr. Bobby Mitchell of the Washington Redskins, who represents a voluntary organization designed to assist Negro small businesses; and New York Mayor John V. Lindsay. Among others scheduled to testify later are the president of the Urban Coalition, John W. Gardner, and Senator EDWARD W. BROOKE.

As a part of the "human renewal fund" followthrough, an imaginative manpower bill, H.R. 16303, cosponsored by over 70 House Republicans, has also been introduced. This bill, to be followed by other legislative recommendations in other areas, would provide meaningful job opportunities and job training programs in the private sector through appropriate governmental assistance.

On behalf of those who have sponsored and endorsed the "human renewal fund," I am very pleased to insert at this point in the RECORD a complete outline of the "human renewal fund":

HUMAN RENEWAL FUND

(Joint statement by Representatives CHARLES E. GOODELL, Republican, of New York; W. E. "BILL" BROCK, Republican, of Tennessee; ALBERT H. QUIE, Republican, of Minnesota; HOWARD W. ROBISON, Republican, of New York; DONALD RUMSFELD, Republican, of Illinois; WILLIAM O. COWGER, Republican, of Kentucky; GEORGE BUSH, Republican, of Texas, and WILLIAM A. STEIGER, Republican, of Wisconsin)

We urge immediate creation of a $2.5 billion Human Renewal Fund for fiscal year 1969 to meet urgent human needs and the urban crisis in our nation. Creation of the fund would be coupled with a $6.6 billion cutback in Federal expenditures in line with necessary wartime priorities.

By firmly cutting $6.5 billion from the President's budget, we can responsibly plow back $2.5 billion into urgent human needs.

This Administration has consistently refused to exercise the political integrity required to establish positive national spending priorities. Bowing to political pressures of the moment, it has allowed its attention to drift from our most pressing human and urban needs. Congress cannot allow this drift to continue. We propose a new set of priorities, one which recognizes the enormous financial and economic difficulties facing us, but one which also recognizes the terrible human waste which is resulting from past and current inattention.

$500 million would be allocated to mobilize private industry to provide meaningful jobs and training for the hard core unemployed and underemployed. To provide jobs with dignity, we urge immediate enactment of the Republican Human Investment Act and full funding of realistic manpower training programs. The Riot Commission recently endorsed this Republican initiative that we've urged for years. Our proposal also doubles the money for vocational education and technical training.

Upon the same assumptions used in the President's budget, an additional $250 Million of expenditures for housing in fiscal year 1969 would expand the successful Republican rent certificates program, fully fund the Percy-Widnall approach to stimulate private enterprise construction and expand the low income construction and rehabilitation incentive programs to produce an estimated total of 325,000 housing units.

We would allocate $250 Million more for air and water pollution control, and would expand the monies available to cope with the causes, prevention and control of crime.

The rural problem of today is the urban problem of tomorrow. $100 Million would be provided for a model tax credit approach to induce industry to expand in rural areas. Rural revitalization and growth must go hand in hand with programs to meet the human needs of the cities.

It is long overdue for the Federal Government to demonstrate in its own front yard how to cope with pressing urban problems. The District of Columbia, as our nation's capital, is of concern to all the people of the country. We propose an additional $50 Million Federal expenditure so that Washington, D.C., can become a model for the nation's cities.

We propose deferrals totaling more than $6.5 Billion in public works, public buildings, nonmilitary research, highway beautification, supersonic transport and other low priority progams such as government public relations. A limitation of agriculture subsidies to a maximum of $10,000 per farmer is long overdue. Until the Foreign Aid Program is reorganized, we propose no increase above present levels of expenditure. Congress itself must economize by deferring major construction of new facilities on Capitol Hill.

A cut-back of military personnel in Europe of about 200,000 leaves an ample force to maintain our treaty commitments in Europe. The President's request for 45,000 additional civilian personnel should be denied. We propose an average 3% reduction in civilian government employment, well below the normal annual attrition rate, so that no employees would lose their jobs involuntarily. Federal civilian employment has increased by 561,000 in the past seven years.

These programs total $1.5 Billion leaving an additional $1 Billion to spend in other critical areas. Our proposal has been referred to the Republican Urban Affairs Task Force to seek the advice of America's foremost urban experts. The Task Force will conduct extensive hearings to determine the true priorities.

Federal tax money alone will not solve these domestic problems. We must avoid promising any of our people an instant tomorrow that is impossible of attainment. It is imperative that we put first things first. While we are spending $30 Billion a year on Viet Nam, desirable but low priority programs must be deferred. Only tough priorities will meet long neglected critical needs of our people.

Immediate budget deferrals

60-percent reduction of military personnel in Europe	$2,080,000,000
Supersonic transport (except R. & D.)	222,000,000
Defense-supported arms sales abroad	200,000,000
Civilian space program	400,000,000
Highway beautification	85,000,000
Longworth House Office Building renovation	6,058,000
Madison Library	2,500,000
Government Printing Office Building (site acquisition and design)	2,500,000
USDA ($10,000 maximum subsidy limit per farm)	$410,000,000
Freeze on moderate- to high-income apartment programs	400,000,000
Foreign aid	700,000,000
Forest roads construction (50 percent new)	45,790,000
Arts and Humanities Foundation	9,800,000
Public buildings (site acquisition and planning)	5,497,000
Public information	100,000,000
Post office buildings (50 percent unobligated NOA)	26,121,000
Freeze on Government civilian employment at 97 percent	961,000,000
National Science Foundation	250,000,000
Forest highways (50-percent new construction)	15,000,000
Earth description and mapping (50 percent NOA)	6,750,000
President's contingency reserve (1968 level)	400,000,000
Public works (20-percent stretchout)	200,000,000
Appalachia (1968 level)	86,900,000
Total	6,614,916,500

Program allocations—categories

[Amounts in millions]

Jobs	$500
Human investment	300
Job opportunity board	25
Equal Employment Opportunity Commission	2
Manpower Development and Training Act	103
Industry Youth Corps	70
Education (vocational education and technical education for the future)	250
Housing	250
Rent certificates	50
Low-income construction incentive program (revolving)	[1] 100
Rehabilitation incentive (revolving)	[1] 100
Pollution (air and water pollution control)	$250
Crime (causes, prevention, and control)	100
Rural revitalization (rural growth tax credit)	100
District of Columbia	50
Total	1,500
Urban reserve fund	1,000
Grand total	2,500

[1] Including Percy-Widnall program.

HUMAN RENEWAL FUND SPONSORS

John B. Anderson, William H. Ayres, Alphonzo Bell, Edward G. Biester, Jr., Benjamin B. Blackburn, Frances P. Bolton, W. E. (Bill) Brock, Clarence J. Brown, Jr., Garry Brown, George Bush, Daniel Button.

James C. Cleveland, Barber B. Conable, Jr., Robert J. Corbett, William O. Cowger, John R. Dellenback, Robert V. Denney, William L. Dickinson, John J. Duncan, Florence P. Dwyer, John N. Erlenborn, Marvin L. Esch.

Paul Findley, James Gardner, Charles E. Goodell, James R. Grover, Jr., Gilbert Gude, John Paul Hammerschmidt, James Harvey, Frank Horton, Edward Hutchinson.

Hastings Keith, Dan Kuykendall, Robert McClory, Paul N. McCloskey, Jack H. McDonald, Clark MacGregor, Charles McC. Mathias, Jr., Thomas J. Meskill, Robert H. Michel,

Clarence E. Miller, William E. Minshall, Rogers C. B. Morton, Charles A. Mosher.

Howard W. Pollock, Jerry L. Pettis, Albert H. Quie, Tom Railsback, Donald W. Riegle, Jr., Howard W. Robison, William V. Roth, Jr., Donald Rumsfeld, Herman T. Schneebeli, Fred Schwengel, J. William Stanton, William A. Steiger.

Burt L. Talcott, Charles M. Teague, Fletcher Thompson, Guy Vander Jagt, Charles W. Whalen, Jr., William Widnall, Larry Winn, Wendell Wyatt, John Wydler, Roger H. Zion.

TWO DAYS

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 15 minutes.

Mr. STAGGERS. Mr. Speaker, in the deep gloom of a November evening, Lyndon Baines Johnson stood on the landing field of a Washington airport and solemnly pledged his dedication to an ideal. The plane from which he had just alighted bore the mangled body of the dead leader with whom he had been associated in the supreme Legislative Assembly of this Nation, and at whose insistence he had been placed in a position where he must pick up the mantle of the fallen President.

The traumatic shock of that November day will be etched in history through many generations to come. Without the ghost of a warning, one President had passed, and his successor had bowed his neck to the burden. The world listened in disbelieving suspense.

The dead President had kindled the expectant imagination of a nation, of six continents. His personal magnetism, his vivid sense of destiny, and his almost naive faith in the underlying goodwill of all men had combined to produce a figure unique in our annals. At his inaugural he had drawn in bold outline his guiding purpose. It was to fashion a world better suited to the aspirations of mortal men—"a new world of law, where the strong are just and the weak secure and the peace preserved." And that was the task which Mr. Johnson assumed on November 22, 1963.

Then there came another evening when a few were listening and the many were pursuing their customary employments and pleasures. President Johnson was presenting the details of his program for the immediate future. Again with the suddenness and force of a nuclear reaction came another revelation. It involved the personal plans of the President himself. And once more the Nation is shocked into awareness of what it means when one head of Government must be replaced by another.

The President's words, interpreted both literally and by implication, reassert what contemplative men have known in their hearts through many ages. It might be abstracted thus: The establishment of a reign of law and order and justice is a worthy ideal—the only tenable ideal possible for a world of creatures bearing the stamp of the divine. The ideal can be approached only through a long series of painful steps taken under the lash of experience and suffering. Yet man is by nature impatient. The last half century has been characterized by unprecedented frustration. The bright promises of the early years of the century have been clouded by two super-wars and dozens of minor ones, by a world-enveloping depression, and by an all-pervading human restlessness stemming from a complex of causes. An age of instant and constant communication brings to public attention every incident associated with every development. All the disappointments of all elements of society tend to concentrate themselves on the individual who is necessarily at the center of things. In order to further the attainment of the ideal of a better world, it may be necessary for that individual to withdraw from the white-hot core of visibility.

The President's speech on March 31, 1968, was an affirmation of the pledge given on November 22, 1963. The affirmation is validated by the performance registered during the intervening days.

History will record how well the President has kept the faith. Already we are beginning to measure the advance which has been made in the period. The days have been hot and laden with burdens. But when we turn for a backward look at November 22, 1963, it seems far in the distance. The progress of man toward his goal in any field you may care to consider has been phenomenal.

May I quote a few of the lines of a challenging popular song?

"To dream the impossible dream,
To fight the unbeatable foe,
To right the unrightable wrong.
To try when your arms are too weary
To reach the unreachable star!

And the world will be better for this,
That one man, scorned and covered with scars,
Still strove with his last ounce of courage,
To reach the unreachable stars.

—JOE DARION in *"The Man of La Mancha."*

TRIBUTE TO THE TOKYO RAIDERS AT THEIR REUNION IN FLORIDA

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the Tokyo Raiders annual reunion, which is to be held this year in Niceville-Valparaiso on April 18–20, will be an exciting homecoming. Citizens of the playground area and northwest Florida, where the Doolittle Raiders trained, will host these heroes with fitting ceremonies. A memorial service for their departed comrades will be held by the surviving members at the Doolittle Memorial in Niceville-Valparaiso, where the last operational B–25 in the Air Force inventory stands proudly as a permanent monument to the Raiders. On the gulf waters, off Fort Walton Beach, a B–25 will take off from the Navy carrier, *Lexington*, of the Pensacola Naval Air Station.

Most of us remember the exciting event which so dramatically established a permanent claim to fame by this distinguished group. On April 18, 1942, one of the most dramatic operations of any war took place—a selected group of dedicated American airmen struck a hitherto new blow for freedom—the first American retaliatory air strike against a powerful aggressor, avenging partially the insidious surprise attack on Pearl Harbor.

This was the day that American morale took its first turn upward in the Pacific. For, then, Lt. Col. Jimmy Doolittle led a most improbable, nonpredictable, but daringly well-planned raid on the Japanese homeland. Sixteen Army Air Force B–25 Mitchell bombers actually made successful takeoffs from the deck of the Navy carrier *Hornet*, and bombed Tokyo and other Japanese cities. Eighty dedicated patriots participated in the raid. Eight lost their lives by crashing, death in Japanese prison, or by execution.

Inherently such a mission was fraught with danger, and the situation was further aggravated when an unexpected encounter took place with a Japanese fishing boat. Because of fear that news of the presence of an American aircraft carrier in Japanese waters would be communicated prematurely to Japan, the bombers were forced to take off farther out at sea than had been planned. Now the mission was critically dangerous.

At the time of takeoff, Col. Jimmy Doolittle told his handpicked crew:

If we bomb Japan and make it to Chungking, I'll throw you the biggest party you ever saw.

History records the success of the mission. It caused the enemy to recall men and war equipment to "protect the homeland," thus relieving some of the pressure on our troops trying so desperately to hold and gain ground in the Pacific. This could be called the turning point in the American fortunes in the Pacific.

The fortunes of war saw the surviving raiders scattered over Japanese-held China. The reunion had to wait until 1947 when General Jimmy and his beloved Tokyo Raiders had their party in Miami. Now, the Tokyo Raiders annual reunions are sponsored by eagerly bidding communities, and the theme is American pride in our heroic fighting men.

The Raiders started training for their mission at Eglin Air Force Base, Fla., shortly after Pearl Harbor. Fort Walton Beach, Niceville, and Valparaiso are the towns where these determined men stayed and worked together.

In this troubled time in which we now find ourselves, it is good to pause and reaffirm our faith in the indomitable American spirit which has overcome adversity so many times and which is epitomized by the Tokyo Raiders. We can be proud that we have had such men in our armed services in the past and that we have them today. I ask you to join with me in a salute to all of the remaining Tokyo Raiders, to the families, and to the families of the departed heroes of that stalwart group.

ORVILLE FREEMAN DESERVES BETTER

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ANDERSON of Tennessee. Mr. Speaker, I believe in the right of responsible dissension, but one of the sorriest spectacles in some time—in this day of unbelievable spectacles—occurred 2 weeks ago when students at the University of Wisconsin heckled, jeered, and booed U.S. Secretary of Agriculture Orville L. Freeman. The result was that Mr. Freeman was unable to finish his address.

Their behavior was childish and outrageous.

Orville Freeman is an outstanding American citizen who certainly deserves better treatment. I know of no harder working nor more dedicated member of the Cabinet. He has served the Nation well under both Presidents Kennedy and Johnson.

Secretary Freeman has had a remarkable career—one which these students will find hard to match.

As an undergraduate at the University of Minnesota, Freeman was a quarterback on Bernie Bierman's Golden Gopher football teams when they were national champions.

During World War II, Freeman was seriously wounded at Guadalcanal and still bears the scars. Interestingly enough, he was engaged in defending and preserving the liberties of this Nation which permit the right to dissent. I might add that many whom he addressed seem disinclined to fight to maintain that same right.

It is too bad they did not let Secretary Freeman finish his speech. They might have learned something.

NEED FOR INTENSIVE RESEARCH AND STUDY INTO HAZARDS OF ATOMIC POWERPLANTS

Mr. BRAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, there is a very important and pressing problem in the U.S. fuel industry today. There is great pressure to push and promote the construction of atomic powerplants all over the country, but many matters and questions connected with these plants and still questionable, to say the least.

The seeming haste to put these plants into operation is by no means dictated by U.S. fuel needs. Coal is available for fuel purposes for years to come, and under the circumstances continued Government subsidization of atomic powerplants, when there is still much more work to be done on the safety factors connected with such plants, is questionable at best. The following editorial from the March 15, 1968, United Mine Workers Journal discusses the matter:

DISTRICT 50'S EXPULSION AND THE FIGHT ON DANGEROUS ATOM PLANTS

The expulsion by the *International Union, United Mine Workers of America,* of its "District 50" organization probably came as a shock to American and Canadian coal miners. It came as no shock to officials and staff members of the International Union, including the *Editors* of the *Journal.*

Ever since "District 50" became an autonomous union, with its own officers and Constitution in 1962 there have been rumblings and undercurrents of conflict over basic policy matters.

The all-out endorsement by "District 50" of atomic power plants, in direct opposition to the policy of the International Union, was, so to speak, "the last straw."

The fight of the International Union against hazardous nuclear energy plants is a difficult and complicated but correct fight.

For more than ten years the International Union, through editorials in the *Journal* and various public statements and with the support of various Congressmen such as Rep. John P. Saylor (R., Pa.), have been warning against the hazards of atomic power plants.

When we spoke of dangers, the cynics replied: Selfish interests.

PRESIDENT BOYLE WARNED OF DANGERS

When we warned of radioactive poisons being spewed about the countryside, polluting the atmosphere, the water and the air, endangering the "public safety and health of all Americans" as UMWA International President W. A. Boyle said last Labor day, we were accused of: "Selfish interests."

When the UMWA intervened in the Denver, Colo., atomic power plant case to protest the building of an experimental nuclear power plant 30 miles from Denver, we were accused of: "Selfish interests."

Now let's get one thing straight, once and for all: The International Union, United Mine Workers of America, does have a selfish interest in protecting the jobs of coal miners. We have never denied this. The coal industry has a selfish interest in preserving its markets.

Our selfish interests in this matter are what got us involved in this fight in the first place.

But this whole fight is much more important to the American people than the selfish interests of America's coal miners and America's coal industry, as important as these interests are. This International Union is now convinced that the unrestricted construction of atomic energy power plants is a threat to the safety—now and in the future—of the whole American people.

Scientists, who know, have been warning of the dangers. Other unions have been warning of the dangers. Health officials have been warning of the dangers. This International Union, because of its prestige position and its membership scattered through 25 states, has been warning of the dangers, and getting results. President Boyle, because he is a fighter and because he leads an important and respected Union, has been warning of the dangers and getting results.

And some of the results have been that there has been an increasing amount of publicity throughout publications in this country and elsewhere of the UMWA's fight against atomic power plants.

This is all to the good. But some of the cynics and some of the ill-informed, including the leadership of District 50 have not bothered to find out the real reasons why the UMWA is so serious about this matter.

We still hear phrases such as: "You can't fight progress." We read stupid editorials in the Wall Street Journal and the Scripps-Howard newspapers and others charging that the UMWA is against "progress."

Well, this International Union, the United Mine Workers of America, has a clear record on the question of progress.

THE UMWA STANDS FOR REAL PROGRESS

For the 79 years of its existence the UMWA has always stood for progress. This great International Union has not only permitted, it has also encouraged the mechanization of the American coal industry. It has lost membership as a result of this policy. But it saved the American coal industry and it has still been able to negotiate excellent wage agreements as a result of its policy which held that this Union was in favor of increased productivity of coal.

This Union, and the coal industry, have twice gone to the Atomic Energy Commission and said, in effect, if atomic power plants are commercially feasible and safe, stop subsidizing them and let them compete on their own.

The Atomic Energy Commission has twice told us that the atomic energy industry is not yet ready to stand on its own feet. But the AEC, because it was directed by the Congress of the United States to do so, continues to build—with public funds—a new and dangerous energy industry in the United States.

We have 1,000 years of coal reserves in this nation. Coal represents 80 percent of the total fossil fuel (coal, oil and natural gas) reserves of the nation. And yet the AEC is permitted by the Congress to pour billions of dollars of the taxpayers' money into a dangerous and uneconomic experiment. The AEC continues to promote the construction of atomic power plants in large population areas, such as Pittsburgh, Chicago, Detroit, Philadelphia and Denver. It continues to put these plants up in areas where there are ample supplies of fossil fuels, particularly coal.

Most importantly, it continues to ignore the warnings of the scientists of the dangers of such plants. It scoffs at the idea that such plants are hazardous. And yet the biggest of these plants, the Enrico Fermi nuclear power plant near Detroit, has been shut down for nearly two years because it had a nuclear meltdown that came close to causing a major atomic disaster in the highly-populated Detroit-Toledo area. If this $300 million plant had had a runaway atomic accident, an estimated 133,000 persons would have died.

The Oyster Creek atomic power plant in New Jersey has had its construction halted because there are unexplained leaks in pressure vessels.

Another atomic power plant in Ohio has been shut down because of the hazards.

A nuclear plant in France was shut down recently because of dangers.

Need we bore you with a repetition of these matters.

Yes, we need to!

Perhaps if we keep repeating the facts on these accidents and potential accidents and breakdowns, someplace along the line there will begin to be some understanding of what we are talking about.

This Union is not against progress. It never has been.

But progress does not consist of a bunch of bureaucrats in the Atomic Energy Commission doling out billions of dollars to electric utility company executives to build hazardous nuclear plants.

The time may come in the distant future when we shall need to use atomic energy to create electric power in the United States.

That time has not yet come.

Such nuclear power is not more economical than coal-fired power. If it were the government could, as it should, withdraw its subsidization of atomic power plants.

Such nuclear power is dangerous to the people of the nation. It has, luckily, not yet blown up and spewed radioactive wastes in a highly populated area. But all such plants have been and are constant sources of hazards. Such plants are still in the experimental stage. Such plants should not be built in or near big cities.

Even if there were not the definite possibility of major accidents from such plants, there is always the question of what will be done with atomic wastes. They cannot be

used to build road beds for example (something that can be done with coal ashes). The wastes must be buried deep in the ground, in steel and concrete casks—which may last 50 years—and they must be constantly cooled to prevent the release of radioactive gasses.

Dr. Clyde Cowan, the nuclear physicist from Catholic University, who was the UMWA's principal expert witness in the recent hearing on the Denver atomic power plant case, told us that the only ultimate solution he could see to getting rid of atomic wastes from such plants would be to shoot it to the sun.

Shoot it to the sun, he said!

And Dr. Cowan, as an expert in atomic energy who has been in on the growth of the atom from the start, says we shall arrive at the time when there won't be any place to bury radioactive wastes and we shall have to shoot it to the sun—where, it can be hoped, it will be destroyed in the intense heat of our nearest star.

This is the kind of problem we are working on. This is the kind of issue that is at stake in the UMWA's fight against the wholesale building of atomic power plants. That's one reason why the UMWA is against, what to us, has become the completely "mad" push by the AEC bureaucrats to get such plants built before the Congress finds out what is going on and puts a stop to it.

Meanwhile, this Union intends to keep up the battle

There is an old coal miner's song entitled, *"Which Side Are You On?"* We would ask that question of "District 50" and the other ill informed and superficial advocates of atomic power plants.

—JUSTIN MCCARTHY.

APPRAISAL OF CZECH ECONOMIC REFORM AND ITS POLITICAL SIGNIFICANCE

Mr. MIZE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MIZE. Mr. Speaker, nearly a year and a half ago four members of the Subcommittee on International Trade of the House Committee on Banking and Currency, one of which was myself, visited Eastern Europe and the Soviet Union in an effort to become better acquainted with the so-called Communist economic reforms and other matters of pertinence to the legislative jurisdiction of our committee.

Many will recall that during this period, United States-Czech relations were at an alltime low, largely as a result of the imprisonment of a U.S. citizen on charges growing out of an incident that had occurred many years before.

Nevertheless, upon our return, our group decided to report to the House our honest appraisal of the Czech economic reform and its political significance. Prior to that time, to the best of my knowledge, the only written analyses of the East European economic reforms were to be found in academic journals and other publications outside of government.

With regard to Czechoslovakia, our report of March 1, 1967, concluded with the sweeping statement that—

Implementation of the reform almost certainly will bring with it serious problems for the maintenance of the primacy of the party.

In undertaking the reform, we further stated that—

A large portion of Communist theory and practice thus has been jettisoned because experience has proven them irrelevant to the successful operation of a modern industrial society.

At another point in the report we said:

A basic national issue—organization of the economy—has been made public property and publicly debated.

Finally we said:

Now the command economy is being dismantled.

Mr. Speaker, everything we said and predicted with regard to Czechoslovakia in our report to the House on March 1, 1967, is as relevant today as it was the day our report was published. Recent events in Czechoslovakia point to two primary sources of agitation for the changes that have occurred, those being intellectual and economic.

The report follows:

CZECHOSLOVAK ECONOMIC REFORMS

The economic reforms instituted in Czechoslovakia on January 1, 1967, have two basic objectives. First, regeneration of public interest and stimulation of individual initiative. Second, reintroduction of the fundamental economic law of comparative advantage into Czechoslovak trade by using the international market to influence Czechoslovak production and investment. This may force a reduction in the number of products produced in Czechoslovakia and concentration on production of those which are competitive internationally, resulting in increased trade and improved "terms of trade." Since the contribution of trade to the Czechoslovak GNP is high—more than three times higher than the CEMA average—improved terms of trade have an immediate relevance to the Czechoslovak standard of living. In essence, this decision involves nothing less than the reintegration of the Czechoslovak economy with the world economy.

In the early years of Communist control in Czechoslovakia the command economy was introduced with certain features which helped disguise the exploitation of the economy by the Soviet Union in the interest of rebuilding the war-damaged economy of the Soviet Union and achieving other Communist objectives. This was done by shielding Czechoslovak production and investment decisions from the pressures of the international market through the simple device of isolating internal and foreign trade.

The mechanism was simple. The Foreign Trade Corporations (FTC) paid Czechoslovak producers the same crown wholesale price paid by domestic purchasers. The FTC set its foreign price in foreign currency at a level to make the product competitive. The state budget then paid deficits incurred when the FTC sold goods abroad at prices which, when converted to crowns at a fixed rate, turned out to be lower than the wholesale prices the FTC had paid to the manufacturer. However, the state budget also received profits from the domestic sale of imports. (Actually, the crown profits and losses were accepted by the state budget for both imports and exports.) The Ministry of Foreign Trade in turn gave guidance to the FTC designed to maintain adherence to bilateral trade agreements and to keep the balance of payments in equilibrium. The demise of cost accounting was furthered by domestic wholesale prices which were set by such general criteria as the social desirability of developing a particular industry because of the need to work for a "balanced economy."

The fundamental consequence of frustration of the law of comparative advantage was that limited resources were used inefficiently.

To buy raw materials at 10, process them, and sell at 12 (sometimes less) leaves little room for wage growth and modernization of plant and equipment. If we add to this an excessively wide range of production, forfeiting the gains of mass production and an excessive dispersal of research and development, for a country of 14 million inhabitants, the stage is set for progressive technological obsolescence of production and lower export prices. These factors, along with the sustained non-market-oriented investment pattern, completed the circle of descreasing effectiveness in all phases of economic activity. Such a system can be maintained, but only at the cost of real growth and a decreasing standard of living. Since the rest of the world was not standing still, the contrast became too great to be longer denied.

Now the command economy is being dismantled. The role of the central authorities in determining production has been reduced. Ministries will play a smaller role in day-to-day operations. Production will respond to the world market through the introduction of flexible prices and by the pressure of imports on domestic prices. Enterprises will produce to make a profit rather than to fulfill centrally determined targets. (Initially, some profits may be illusory because some raw material inputs are subsidized by the entire economy). This is entailing a rebirth of cost accounting.

New investment will be largely made from enterprise profits or from loans approved by the State Bank in coordination with the Central Planning Commission. Loans from the State Bank will bear interest rates, working from a prime rate of 6 percent, which will reflect the Bank's estimate of the soundness of the proposed investment. Should the Bank not be willing to make a loan, an enterprise may proceed from its own funds.

When enterprises cannot make a profit they must nevertheless pay workers a minimum wage. State subsidies to cover wage deficits, tax deficits and loan arrears will be on a selective basis for limited periods. Enterprises which cannot make a go of it must close and their resources (labor, capital, equipment) must be shifted to profitable use. This introduces the capitalist concept of "business failure" and "frictional unemployment" to the Communist world.

On January 2, 1967, a coal mine and two coke ovens in Bohemia were closed on grounds of unprofitability. Some of their workers are to be retrained and some absorbed into more efficient mines as part of a program which is designed to ease the frictions of shifting labor into more efficient uses. The official trade union movement has been given responsibility for being prepared to retain over 50,000 workers a year.

Although equalization of the conditions under which the enterprises will operate through uniform tax rates and interest rates is accepted in principle, the possibility for differentiated treatment exists. This may be used to thwart natural economic development or simply to cushion the dislocations resulting from the shift of economic resources. In general, loan availability, tax rates and interest rates will be used to guide the economy, if the reformers have it their way, with Keynesian moderation.

In the future bonuses and to some extent wages will depend upon enterprise profits rather than upon meeting centrally determined targets. The old system encouraged enterprises to strive for low targets and to exceed them by only modest amounts. It also encouraged production of shoddy goods, high-cost goods, and unwanted goods.

Differentiation of wages will be institu-

tionalized. Mental work will be upgraded and superior work will receive superior pay. Rationing by means of price mechanism will give new incentives to increase earnings.

In theory, some change in the evaluation of political loyalty as well as ability will be accepted in determining advancement. The present system of giving top enterprise posts to individuas whose basic qualification is party position is essentially a retrogression to an aristocratic principle since it makes membership in an establishment the key to preference in all areas of community life. As a system, it is out of step with the mainstream of social development and is a burden to any society where it is practiced. The local party functionaries are being instructed to keep their hands off local enterprises.

Any one of a number of factors may work to impede the progress of the reform program. Possibly supplies and near-future earnings of hard currency will be insufficient to finance the imports needed to make the new system work. High-level political support for the reforms tends to waiver whenever the pressure is off. There may be a growth of grassroots opposition to the dislocations resulting from plant shutdowns as resources are shifted. Long-term trade agreements and arrangements for the procurement of raw materials limit flexibility in adapting trade to purely commercial pressures. Many rank and file officials in ministries, party and enterprises are benefiting from the present system and are bitterly opposed to innovation.

Despite the uncertain outcome of the reforms, their adoption is in itself highly significant A basic national issue—organization of the economy—has been made public property and publicly debated. It is now possible to trace the evolution of thinking on the part of leading Czechoslovak officials.

In 1964 some 72 percent of Czechoslovak trade was with Communist countries. Czechoslovak statements have proclaimed that this trade will stabilize at about 68 percent. This seems unlikely. If the reform is implemented, the possibility exists for a significant decrease in the percentage of Czechoslovak trade with Communist countries.

The possibility of importing raw materials from non-Communist countries, made possible by increased earnings of hard currency from these countries, could allow Czechoslovak economic policy decision to be made in an atmosphere of greater independence.

Domestically, there could be growth and dispersal of initiative, the creation of other roads to privilege than party patronage, and a retreat of the heavy hand of the party from involvement in many areas of daily life.

The reform is being implemented and it may be far reaching. The tendency of recent years has been to cope with problems pragmatically rather than rely on ideological guides, although orthodox phrases often embroider the operating paragraphs. As far as the reformers are concerned, the only thing they are not prepared to touch is the collective ownership of the means of production. A large portion of Communist theory and practice thus has been jettisoned because experience has proven them irrelevant to the successful operation of a modern industrial society.

Implementation of the reform almost certainly will bring with it serious problems for the maintenance of the primacy of the party. The party, however, will be alert to cope with these problems and this in turn will likely mean that the final result will be somewhat different than either the reformers or party expect.

Nevertheless, the insights which have been developed during the Czechoslovak economic debate on the self-defeating character of the command economy make it impossible for that system to be again accepted by Czechoslovak Marxist economists.

THE AMERICAN LEGION'S FIRING LINE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, for many years the National Americanism Commission of the American Legion has published a monthly newsletter, the American Legion Firing Line, which has brought to the attention of Legionnaires and other interested readers matters of interest concerning current events and national security. In its March issue, for instance, the newsletter refers to the danger stemming from U.S. Supreme Court decisions concerning various aspects of the domestic Communist threat. As a remedy, the Legion offers the proposal which was passed at its national convention in August 1967; namely, Resolution 28: to "Petition Congress To Re-establish the Constitutional Role of the U.S. Supreme Court." Specifically, the resolution proposes:

The American Legion calls on Congress to restore the constitutional balance of power by initiating through the appropriate committees of the Congress of the United States corrective legislation after public hearings to ascertain the feasibility of legislation limiting or preempting the authority of the Supreme Court of the United States in one or more of the above specific areas.

In the same issue, the Firing Line comes to grips with an adversary of long standing, the American Civil Liberties Union. The issue of contention is the legislation which seeks to discourage and punish the desecration of the American flag, legislation which the ALCU opposed.

It will be remembered that this legislation gathered dust in committee for many months until pictures appeared in many newspapers of the burning of the flag in Central Park in New York City on April 15 of last year. In view of past ACLU interpretations of constitutional rights, it was not surprising that they testified in opposition to the legislation. It seems that no excess is too extreme if the ACLU can conjure up some imagined "civil right" to justify it.

I include the two above-mentioned articles from the American Firing Line of March 1968, in the RECORD at this point:

COMMANDING THOUGHTS: THE U.S. SUPREME COURT

The American Legion from its inception has been unalterably and unequivocally opposed to the perpetration of any ideology which is not compatible with its concept of Americanism. Ever since the threat of Communism became imminent, it has been consistent and constant in its opposition; it has championed those who have attempted to thwart its growth and infiltration into all phases of American life and it has condemned those who seek the triumph of Communism either by violence or subversion.

The National Executive Committee of The American Legion at its January 13–14, 1928 meeting adopted the first resolution condemning Communism. In the interim years from 1928 until the present time, there have been innumerable mandates of both the National Executive Committee and the National Conventions of The American Legion on this subject: some have concerned Communism, some have called for Congressional investigations of organizations which The American Legion deemed subversive, some have sought to outlaw the Communist Party, and some have commended those governmental agencies assigned to protect the United States against subversion from within or without. Recently, resolutions have been adopted seeking remedial legislation to fill the void caused by decisions of the United States Supreme Court which have strengthened the position of the Communists and weakened our laws which control them.

These decisions—the nullification of the Federal law which bars Communist Party members from serving as union officers, the issuance of passports to known Communists to travel to Communist countries, the ruling declaring the 1962 law restricting mail delivery of "Communist Political Propaganda" from abroad unconstitutional, the unanimous decision of the Supreme Court declaring the membership registration provision of the McCarren Law unconstitutional, abolishing the loyalty oath provisions and the latest, permitting Communists to work in defense plants—have made it virtually impossible to combat the forces of subversion. And, adding insult to injury, there is a Supreme Court decision banning prayer and Bible reading in the public schools of the United States.

These vicarious decisions and the usurpation of the role of Congress and the Executive branch by the Unite States Supreme Court caused The American Legion to adopt the following resolution:

"RESOLUTION 28

"Subject: Petition Congress to Re-establish the Constitutional Role of the United States Supreme Court

"Whereas, Security laws and other statutes relating to control of the Communist conspiracy and criminal law enforcement are vital to the security of the Nation; and

"Whereas, The Supreme Court of the United States has rendered decisions that weaken or emasculate these vital laws in such areas as the Internal Security Act of 1950 and the procedures followed by law enforcement agencies in their pursuit of crime and criminals; and

"Whereas, The Supreme Court in certain of its decisions has usurped the role of the Congress, the Executive branch and the sovereignty of the several states rather than confine its functions to its proper sphere of jurisdiction as the judicial interpreter of the law; now, therefore, be it

"Resolved, By The American Legion in National Convention assembled in Boston, Massachusetts, August 29, 30, 31, 1967, that it call on Congress to restore the constitutional balance of power by initiating through the appropriate committees of the Congress of the United States corrective legislation after public hearings to ascertain the feasibility of legislation limiting or preempting the authority of the Supreme Court of the United States in one or more of the above specific areas; and be it further

"Resolved, That if a constitutional amendment is deemed necessary to reassert the supremacy of Congress in legislative matters, then let such amendment be submitted to the states for ratification, couched in terms that cannot be misconstrued or ignored."

AMERICAN CIVIL LIBERTIES UNION

Quite a furor arose as a result of remarks by National Commander William E. Galbraith and National Americanism Director Maurice T. Webb recently in Nashville, Tennessee, concerning the American Civil Liberties Union.

Addressing the Mid-Winter Conference of

The American Legion, Department of Tennessee, in Nashville, Director Webb said:

"You know, The American Legion has for many years had a resolution mandate calling for a Congressional investigation of the American Civil Liberties Union. Some of you may wonder just why The American Legion calls upon the House Committee on Un-American Activities to investigate the American Civil Liberties Union, its funds and its purposes.

"One good reason I can cite to you here today is that the American Civil Liberties Union had the audacity to send the Director of the Washington office of that organization, Lawrence Speiser, to testify against legislation which would make it a crime to desecrate the Flag of the United States of America. Yes, I was present when Mr. Speiser made his lengthy statement to Subcommittee 4 of the House Judiciary Committee. He admonished the members of the Subcommittee, stating that to have a law which would make it a crime to desecrate the Flag would be in direct conflict with the First Amendment of the Constitution commonly known as the Free Speech Amendment.

"Can anyone here today explain to me the relationship between desecrating the Flag of the United States and the Free Speech Amendment of our Constitution?

"Is it any wonder that The American Legion calls for the investigation of an organization which, besides opposing legislation which would make it a crime to desecrate the Flag, has rushed to the defense of known Communists, pornographic book peddlers and others of a like ilk? We do not have to apologize to anyone for our position concerning the American Civil Liberties Union. I mention this fact here today only to point up to you that, when The American Legion takes a position through a resolution which mandates our organization in a certain area, that position is not arrived at lightly but is arrived at after careful and due consideration is given to the subject matter of said resolution.

"In his testimony Mr. Speiser stated: 'The very concept of defiance to a bit of cloth is difficult for the mind to conjure.' Someone should refresh the memories of Mr. Speiser, the members of the American Civil Liberties Union, and others who espouse this same line, concerning what President Woodrow Wilson said in describing what our Flag is and what it stands for:

"'The things that the Flag stands for were created by the experience of a great people. Everything it stands for was written by their lives. The Flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under that Flag.'"

Later, in an interview with a reporter for the Nashville Tennesseean, Commander Galbraith said, "we would also like to know where the ACLU gets its funds. Our books are completely open. Where do ACLU funds come from?"

Director Webb was questioned about Communists in the American Civil Liberties Union and he stated: "We do not know if there are Communists in the ACLU. If we knew there were Communists, we would go to the Justice Department."

In a rebuttal, Leroy J. Ellis, III, a member of the Board of Directors of the Tennessee chapter of the ACLU said that The American Legion did not have legal or constitutional grounds to call for a Congressional investigation. He continued to say that the sole purpose of "our activities is to protect and further the legal and constitutional rights of the individual. Our patriotism is every bit as great as that of The American Legion." In taking exception to the matter of an investigation, he said that, if the purpose of such an investigation were to prevent the ACLU from defending an individual's constitutional rights, then the investigation would not be legal. In reference to Commander Galbraith's remarks, he said the financial records of the ACLU are audited by a certified public accountant every year and made available to the public. "The funds of the ACLU come from the donations of the over 100,000 members of the ACLU," said Ellis. He added, however, that, while the membership records are not immediately available, they are open if the member authorizes the release, or if the Board of Directors chooses to reveal them.

CAPITAL GAINS TREATMENT FOR TRANSFERS OF RIGHTS TO COPYRIGHTS AND LITERARY, MUSICAL, AND ARTISTIC COMPOSITIONS

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, I am reintroducing a bill today, which I originally sponsored in 1966, to amend the Internal Revenue Code of 1954 to provide that a transfer—other than by gift, inheritance, or devise—of property consisting of substantial rights to a copyright or a literary, musical, or artistic composition, by any holder of the copyright or composition, shall be considered the sale or exchange of a capital asset held for more than 6 months.

In his message to Congress accompanying the first annual report of the National Endowment for the Arts, President Johnson stated:

> What the arts endowment has sought to do, in its final year, is to improve the climate in which creative talent works and to extend and inform its audience.[1]

The President praised the program noting:

> It created new opportunities for novelists, poets, painters, sculptors, and students in the arts—
>
> In its attempt to sponsor—
>
> a great variety of projects to assist the arts in assuming their deserved place in American life.

The legislation I am introducing today is a necessary concomitant to the programs already established by the Congress to further creative activities throughout the country.

Even an elementary knowledge of our income tax laws is sufficient to make one realize the substantial advantage of treating income as a long-term capital gain rather than as ordinary income.

Under my bill, a transfer, would only be considered the sale or exchange of a capital asset if, at the time of such transfer, the composition or other property has been substantially completed. Additionally, this provision would only apply to one such transfer in each taxable year, as selected by the taxpayer.

My proposed bill is almost identical to H.R. 14903, which I introduced in 1966.[2] However, in that bill it was proposed that only transfers involving "all substantial rights" in a copyright or composition should be entitled to capital gains treatment. In reassessing the problem my attention was directed to the inequity that would result because of the term "all substantial rights."[3] Such terminology would preclude the application of the capital gains tax in cases involving movie rights and other important rights such as serialization. These rights, while not encompassing "all substantial rights" in the copyright or composition, nevertheless involve a specific and important area of the bundle of rights involved in a copyright. Consequently, in the measure I presented today I have eliminated the word "all" from the phrase "all substantial rights."

The annual report of the Register of Copyrights reveals that in fiscal year 1967, 474,226 articles were deposited with the Copyright Office. In that year 294,406 works were registered, including over 160,000 books and periodicals, more than 79,000 musical compositions and approximately 5,000 works of art.[4] American consumers spend over $10 billion each year to purchase or witness the productions of creative intelligence.[5]

From these figures we can readily see that artistic creations comprise an important part of our economic structure.

Mr. Speaker, I am privileged to represent a district which is, without question, the cultural and artistic center of the United States. Within the confines of New York's 17th District lies the heart of the entertainment industry. As its chosen Representative, I speak for all of New York's Broadway theaters and for many of its off-Broadway houses; for the music companies, broadcasting stations, publishing firms, and art galleries; and for the thousands of creative people who inhabit areas such as Manhattan East, Greenwich Village, Gramercy Park, Murray Hill, and Turtle Bay. Among my constituents are many of America's foremost authors, composers, publishers, artists, producers, directors and critics.

I am further privileged to have been associated with the field of copyright law for many years, having been chairman of the copyright committee of the Federal Bar Association of New York, New Jersey, and Connecticut, a charter member of the Copyright Society of the U.S.A., a professor of copyright law at New York Law School, and the editor of books on the subject.

It is my firm belief, Mr. Speaker, that an author should be accorded the benefits of capital gains treatment for his creations in the event of their sale. This is a benefit enjoyed by an inventor, and there is no reason to favor a patent over a copyright. The U.S. Constitution gives these two important areas equal treatment in the provision of article I, section 8, clause 8, which gives Congress the power "to promote the progress of science and useful arts, by securing for

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[1] CONGRESSIONAL RECORD, vol. 113, pt. 3, p. 3324.

[2] See Congressional Record, 89th Congress, vol. 112, pt. 8, p. 9986.

[3] This change was discussed with Irwin Karp, Esq., an attorney and noted authority in the field of copyright law.

[4] Report of the Register of Copyrights, 1967.

[5] Baumol and Bowen, "Performing Arts—The Economic Dilemma," the 20th Century Fund, New York, 1966, pages 424–431.

limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Just as there are special provisions for the patent holder intended to stimulate inventive activity, I believe our laws should also stimulate like activity in the literary, musical, and artistic worlds.

Let us now take the concrete step of ending the economic discrimination against those authors and composers of literary, musical, and artistic compositions which exist under our present tax structure by eliminating their inequity.

PRESIDENT APPLAUDED FOR FIRST STEP TOWARD PEACE IN VIETNAM

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, President Johnson is to be applauded for substantially reducing the level of hostilities in Vietnam as a positive step toward the peace we all seek.

In light of criticism from some quarters, it is important to be clear about what the President said—and did not say—in his address to the Nation.

He stated that he would stop the bombing of North Vietnam except where the continuing enemy building directly threatens allied forward positions and where the movements of the troops and supplies are clearly related to that threat.

On the other hand, he did not order a total bombing halt nor delineate the area to be bombed—for this is a first step to test Hanoi's sincerity.

Certainly we should continue to bomb the supply lines and infiltration routes which directly threaten our soldiers in the northern provinces—lines and routes which stretch far into North Vietnam.

Still, as the President said in his speech, almost 90 percent of North Vietnam's population will be spared from bombing—and most of its territory.

This is an act of good faith by America. If it is matched by deescalation by Hanoi further deescalation can be possible—including a complete bombing halt.

Already it appears that the enemy has turned a cold shoulder toward our peace overtures—yet some criticize the President, rather than Ho Chi Minh.

We can only hope that our offer to reduce the level of violence will be accepted in the spirit of peace in which it was offered.

PROPOSED AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, it is my privilege today to be one of the sponsors of a bill to consolidate and improve existing vocational education programs, and to join the gentleman from Illinois [Mr. PUCINSKI], chairman of the General Education Subcommittee, many of its members, and others of my colleagues in urging support of this legislation. The bill will provide funds for vocational education programs for fiscal years 1969 through 1972.

There have been many studies made of why youngsters drop out of school and become another statistic in the ranks of the unemployed. More and more educators, business leaders, and those particularly concerned with the growing problem of unrest and juvenile crime in our country are coming to realize that a major effort must be made to keep these youngsters in school and provide them with a marketable skill. The vicious cycle of poverty in many areas, both urban and rural, will not be broken until we provide our young people with the tools they need to earn a living and become responsible and productive citizens.

Preparation for work through vocational education programs supported by Federal funds dramatically increased in fiscal years 1965 and 1966, the first full years of operation under the Vocational Education Act of 1963. In fiscal year 1967, nearly 7 million persons attended vocational education classes, 50 percent more than in 1964.

In my State of Montana, which has always been an educationally minded State, secondary school enrollment jumped from 7,061 in 1964 to 21,937 in 1966—more than triple—and enrollment in post-secondary and adult vocational educational programs showed like increases.

In spite of these increases in enrollment in vocational education programs, 23.6 percent of the young people in Montana entering school in 1962 failed to complete their high school education. While recognizing the impact of the 1963 act, it is clear that we must improve, expand, and update such education programs—make them more responsive to both the needs of these young people and the community—if we are to reduce or eliminate the incidence of school dropouts.

If our schools had been able to offer realistic vocational education in the past decade, or even two decades, if they had been able to offer education and training that would motivate our youngsters to stay in school and acquire the education and skills needed in today's complex society, we would not now be spending millions of dollars on compensatory education programs for young adults and on crash programs to train the hardcore unemployed for jobs.

It is my strong belief that high school vocational education must be expanded into a broad program encompassing the needs of all of our youth. It must also be realistically designed to meet the manpower needs of business and industry.

Mr. Speaker, I believe the legislation we are introducing today will go a long way toward bringing our vocational education system into step with the needs of our times.

This legislation is based on the findings and recommendations of the Advisory Council on Vocational Education, established under the 1963 act. Their recently published report of their national evaluation of vocational education, "The Bridge Between Man and His Work," is a compelling document, one which I would urge each of my colleagues to study carefully.

I fully realize that the mood of Congress concerning increased spending for domestic programs this year is unfavorable. But, if we are to meet the growing crisis of unemployment, particularly among young people, we can no longer delay approval of programs that will ultimately eliminate the root cause of that unemployment.

It has been estimated that we will need to spend $32 million to eliminate the causes of rioting in our streets. The cost of everincreasing juvenile crime is staggering.

Surely we can afford to spend less than $1 billion to train our young people for the world of work—the habits, attitudes, and basic skills of reading and expression, which are necessary for success in any field—as well as needed job skills.

Our economy has undergone great change in the past decade, and the complex demands of a technological era have brought great new challenge to our vocational educators. We must help those educators meet this challenge and help our schools become more realistic and responsive to the needs of our young people and to the needs and wishes of the communities in which they reside.

Mr. Speaker, it is my hope that all of my colleagues will study this legislation carefully and will come to agree with me and the other Members who are sponsoring it that it is worthy of consideration and support.

An outline of the bill follows:

PROPOSED AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

A. *Consolidation and Improvement of Existing Vocational Education Programs (effective July 1, 1968).*

1. *Authorization*: Increases authorization to $325 million for fiscal 1969, $400 million for fiscal 1970, $500 million for fiscal 1971, $600 million for fiscal 1972 and for each subsequent fiscal year for the purpose of making grants to the states. The present authorization is $225 million.

2. *Work Study*: Reauthorizes the work-study provision which lapses June 30, 1968; $30 million for fiscal 1969 and fiscal 1970, and $55 million for fiscal 1971 and for each subsequent fiscal year. The work-study provision of the 1963 Act is directed towards the full-time student who needs money to stay in school.

3. *Matching*: Allows state-wide matching of federal funds and eliminates matching by separate categories.

4. *Disadvantaged*: Requires that 25% of the new money under the state grant provision must be used by the states for programs for the academically, socially, economically, physically and culturally disadvantaged. These funds would be concentrated primarily in the large cities and the poor rural areas.

5. *Research funds*: 10% of the sums appropriated may be used by the Commissioner of Education for grants or contracts with universities and private and public agencies, also for grants or contracts approved by the bureau administering the vocational program, and for grants or contracts to the state research units.

6. *State Advisory Councils*: States must

create state advisory councils which are to evaluate the state programs and advise the state boards of vocational education on the formulation of the state plans.

7. *State Plans*: States must submit to the Commissioner of Education annual and five year state plans showing the projected development of vocational education within the states.

B. *New Programs.*

1. *Exemplary Programs:* This authorization would be used to fund programs such as those designed to familiarize elementary and secondary school students with a broad range of occupations and the requisites for entrance into those occupations. $50 million for fiscal 1969, $100 million for fiscal 1970, $150 million for fiscal 1971, $200 million for fiscal 1972 and 1973.

2. *Disadvantaged:* Special vocational education programs to aid the academically, socially, economically, physically and culturally disadvantaged. The states must give assurances that these funds will go to areas of concentrations of drop-outs and youth unemployment which would be primarily large cities and poor rural areas. 90–10 matching of federal funds. These funds would be channeled through the state boards of vocational education. $200 million for fiscal 1969, $250 million for 1970, $350 million for fiscal 1971, $400 million for each succeeding fiscal year.

3. *Cooperative Study:* Cooperative education, a program where the number of hours spent in school equals the number of hours spent on the job, is directed towards giving students both on the job training and classroom instruction. Priority in assistance must be given to disadvantaged students: $50 million for fiscal 1969, $100 million for fiscal 1970, $150 million for fiscal 1971, $250 million for 1972 and 1973. 90–10 matching of federal funds. Funds would be channeled through the state boards of vocational education.

4. *Residential Vocational Education Schools:* These residential schools (at least one in each state) would expand vocational education opportunities and create new environments for those who cannot profit from instruction under existing conditions. $10 million for fiscal 1969, $300 million for fiscal 1970, $175 million for fiscal 1971, $175 million for 1972 and 1973. 90–10 matching of federal funds. Funds would be channeled through the state boards of vocational education.

5. *Home-economics:* $50 million for fiscal 1969 and 1970, $75 million for each succeeding fiscal year.

6. *Teacher Training:*

a. leadership development fellowships—these fellowships would be awarded to administrators, teachers and researchers for study at institutions of higher education. $25 million for fiscal 1969 and 1970, $50 million for fiscal 1971, 1972 and 1973.

b. exchange programs and training institutes—this authorization would be used for exchange programs, institutes, and in-service education for vocational education teachers and administrators. $20 million for fiscal 1969, $30 million for fiscal 1970, and $40 million for fiscal 1971, 1972, and 1973.

7. *Curriculum:* Grants or contracts would be made for such purposes as evaluating vocational education curriculums and developing curriculums which combine vocational education and academic courses of study. $7 million for fiscal 1969, $10 million for fiscal 1970, and $25 million for fiscal 1971, 1972, and 1973.

8. *Libraries:*

a. materials and equipment—grants for the acquisition of vocational library resources, instructional material and equipment, and services. $5 million for fiscal 1969, $25 million for fiscal 1970, $50 million for fiscal 1971 and $75 million for fiscal 1972 and 1973.

b. construction and remodeling of libraries in vocational education schools—$50 million for fiscal 1970 and for each of three succeeding years.

c. institutes for study in use of library materials; $5 million for fiscal 1970 and for each of three succeeding years.

9. *Information Services:* Grants or contracts to encourage youths and adults to enter careers in vocational education. $3.5 million for fiscal 1969, $4 million for fiscal 1970, $4.5 million for fiscal 1971 and $5 million for 1972 and 1973.

10. *National Advisory Council:* Creation of a Permanent National Advisory Council on Vocational Education with a separate authorization for its operating expenses. The Council would review administration and preparation of vocational education programs and make annual reports of its findings.

11. *Bureau of Vocational Education:* Creation of a separate Bureau of Vocational Education within the Office of Education and an authorization for its operating expenses.

12. *Advance funding:* Allows advance funding of vocational education programs.

PRESIDENT CALLS FOR UNITY BEFORE NATIONAL ASSOCIATION OF BROADCASTERS IN CHICAGO

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, President Johnson's moving address to the National Association of Broadcasters, in Chicago, is further testimony of his belief for the need to have unity in America.

We are in the midst of revolutionary times—both at home and abroad—which have created deep and emotional divisions in our country.

Throughout his distinguished public service, President Johnson has sought to emphasize the things which unite, rather than divide our Nation, to bind people together, not split them into factions.

To heal the wounds caused by the Vietnam conflict, President Johnson acted to take Vietnam out of politics. To emphasize America's desire for peace he made it clear that his peace overtures were not politically inspired.

Thus, as President Johnson explained to the National Association of Broadcasters:

By not allowing the Presidency to be involved in divisive and deep partisanship, I shall be able to pass on to my successor a stronger office.

In this time of trial for America we must be united of purpose. We must seek peace with the world—and find peace with ourselves.

President Johnson's call for unity to the National Association of Broadcasters Chicago must be heard round the country. Together we cannot fail.

I insert into the RECORD the President's speech to the National Association of Broadcasters in Chicago:

REMARKS OF THE PRESIDENT BEFORE THE NATIONAL ASSOCIATION OF BROADCASTERS, CHICAGO, ILL., APRIL 1, 1968

Mayor Daley, Mr. Wasilewski, ladies and gentlemen: Some of you might have thought from what I said last night that I had been taking elocution lessons from Lowell Thomas. One of my aides said this morning: "Things are really getting confused around Washington, Mr. President."

I said, "How is that?"

He said, "It looks to me like you are going to the wrong convention in Chicago."

I said, "Well, what you all forgot was that it is April Fool."

Once again we are entering the period of national festivity which Henry Adams called "the dance of democracy." At its best, that can be a time of debate and enlightenment. At its worst, it can be a period of frenzy. But always it is a time when emotion threatens to substitute for reason. Yet the basic hope of a democracy is that somehow—amid all the frenzy and all the emotion—in the end, reason will prevail. Reason just must prevail . . . if democracy itself is to survive.

As I said last evening, there are very deep and emotional divisions in this land that we love today—domestic divisions, divisions over the war in Vietnam. With all of my heart, I just wish this were not so. My entire career in public life—some 37 years of it—has been devoted to the art of finding an area of agreement because generally speaking, I have observed that there are so many more things to unite us Americans than there are to divide us.

But somehow or other, we have a facility sometimes of emphasizing the divisions and the things that divide us instead of discussing the things that unite us. Sometimes I have been called a seeker of "concensus", more often that has been criticism of my actions instead of praise of them. But I have never denied it. Because to heal and to build support, to hold people together, is something I think is worthy and I believe it is a noble task. It is certainly a challenge for all history in this land and this world where there is restlessness and uncertainty and danger. In my region of the country where I have spent my life, where brother was once divided against brother, my heritage has burned this lesson and it has burned it deep in my memory.

Yet along the way I learned somewhere that no leader can pursue public tranquillity as his first and only goal. For a President to buy public popularity at the sacrifice of his better judgment is too dear a price to pay. This nation cannot afford such a price, and this nation cannot long afford such a leader.

So, the things that divide our country this morning will be discussed throughout the land. I am certain that the very great majority of informed Americans will act, as they have always acted, to do what is best for their country and what serves the national interest.

But the real problem of informing the people is still with us. I think I can speak with some authority about the problem of communication. I understand, far better than some of my severe and perhaps intolerant critics would admit, my own shortcomings as a communicator.

How does a public leader find just the right word or the right way to say no more or no less than he means to say—bearing in mind that anything he says may topple governments and may involve the lives of innocent men?

How does that leader speak the right phrase, in the right way, under the right conditions, to suit the accuracies and contingencies of the moment when he is discussing questions of policy, so that he does not stir a thousand misinterpretations and leave the wrong connotation or impression?

How does he reach the immediate audience and how does he communicate with the millions of others who are out there listening from afar?

The President, who must call his people to meet their responsibilities as citizens in a hard and enduring war, often ponders these questions and searches for the right course.

You men and women—who are masters of the broadcast media—surely must know

what I am talking about. It was a long time ago when a President once said: "The printing press is the most powerful weapon with which man has ever armed himself." In our age, the electronic media have added immeasurably to man's power. You have within your hands the means to make our nation as intimate and informed as a New England town meeting.

Yet the use of broadcasting has not cleared away all of the problems that we still have of communications. In some ways, I think, sometimes it has complicated them. Because it tends to put the leader in a time capsule: It requires him often to abbreviate what he has to say. Too often, it may catch a random phrase from his rather lengthy discourse and project it as the whole story.

Mayor Daley, I wonder how many men in public life have watched themselves on a TV newscast and then been tempted to exclaim: "Can that really be me?"

There is no denying it: you of the broadcast industry have enormous power in your hands. You have the power to clarify and you have the power to confuse. Men in public life cannot remotely rival your opportunity—day after day, night after night, hour after hour and the half hour, sometimes—you shape the nation's dialogue.

The words that you choose, hopefully, always accurate and hopefully always choice, are the words that are carried out for all of the people to hear.

The commentary that you provide can give the real meaning to the issues of the day or it can distort them beyond all meaning. By your standards of what is news, you can cultivate wisdom—or you can nurture misguided passion.

Your commentary carries an added element of uncertainty. Unlike the printed media, television writes on the wind. There is no accumulated record which the historian can examine later with a 20–20 vision of hindsight, asking these questions: "How fair was he tonight? How impartial was he today? How honest was he all along?

Well, I hope the National Association of Broadcasters, with whom I have had a pleasant association for many years, will point the way to all of us in developing this kind of a report because history is going to be asking very hard questions about our times and the period through which we are passing.

I think that we all owe it to history to complete the record.

But I did not come here this morning to sermonize. In matters of fairness and judgment, no law or no set of regulations and no words of mine can improve you or dictate your daily responsibility.

All I mean to do, and what I am trying to do, is to remind you where there is great power, there must also be a great responsibility. This is true for broadcasters just as it is true for Presidents—and seekers for the Presidency.

What we say and what we do now will shape the kind of a world that we pass along to our children and our grandchildren. I keep this thought constantly in my mind during the long days and somewhat longer nights when crisis comes at home and abroad.

I took a little of your prime time last night. I would not have done that except for a very prime purpose.

I reported on the prospects for peace in Vietnam. I announced that the United States is taking a very important unilateral act of de-escalation—which could—and I fervently pray will—lead to mutual moves to reduce the level of violence and de-escalate the war.

As I said in my office last evening, waiting to speak, I thought of the many times each week when television brings the war into the American home.

No one can say exactly what effect those vivid scenes have on American opinion. Historians must only guess at the effect that television would have had during earlier conflicts on the future of this nation:

During the Korean War, for example, at that time when our forces were pushed back there to Pusan;

Or World War II, the Battle of the Bulge, or when our men were slugging it out in Europe or when most of our Air Force was shot down that day in June of 1942 off Australia.

But last night television was being used to carry a different message. It was a message of peace. It occurred to me that the medium may be somewhat better suited to conveying the actions of conflict than to dramatizing the words that the leaders use in trying and hoping to end the conflict.

Certainly, it is more "dramatic" to show policemen and rioters locked in combat—than to show men trying to cooperate with one another.

The face of hatred and of bigotry comes through much more clearly—no matter what its color. The face of tolerance, I seem to find, is rarely "newsworthy."

Progress—whether it is a man being trained for a job or millions being trained or whether it is a child in Head Start learning to read or an older person of 72 in adult education or being cared for in Medicare—rarely makes the news, although more than 20 million of them are affected by it.

Perhaps this is because tolerance and progress are not dynamic events—such as riots and conflicts are events.

Peace, in the news sense, is a "condition". War is an "event".

Part of your responsibility is simply to understand the consequences of that fact—the consequences of your own acts and part of that responsibility, I think, is to try—as very best we all can—to draw the attention of our people to the real business of society in our system; finding and securing peace in the world—at home and abroad. For all that you have done and that you are doing and that you will do to this end, I thank you and I commend you.

I pray that the message of peace that I tried so hard to convey last night will be accepted in good faith by the leaders of North Vietnam.

I pray that one time soon, the evening news show will have—not another battle in the scarred hills of Vietnam—but will show men entering a room to talk about peace.

That is the event that I think the American people are urging and longing to see.

President Thieu of Vietnam and his government are now engaged in very urgent political and economic tasks which I referred to last night—and which we regard as very constructive and hopeful. We hope the Government of South Vietnam makes great progress in the days ahead.

But some time in the weeks ahead—immediately, I hope—President Thieu will be in a position to accept my invitation to visit the United States so he can come here and see our people too, and together we can strengthen and improve our plans to advance the days of peace.

I pray that you and that every American will take to heart my plea that we guard against divisiveness. We have won too much, we have come too far, and we have opened too many doors of opportunity, for these things now to be lost in a divided country where brother is separated from brother. For the time that is allotted me, I shall do everything in one man's power to hasten the day when the world is at peace and Americans of all races—and all creeds—of all convictions—can live together—without fear or without suspicion or without distrust—in unity, and in common purpose.

United we are strong; divided we are in great danger.

Speaking as I did to the nation last night, I was moved by the very deep convictions that I entertain by the nature of the office that is my present privilege to hold. The office of the Presidency is the only office in this land of all the people. Whatever may be the personal wishes or preferences of any man who holds it, a President of all the people can afford no thought of self.

At no time and in no way and for no reason can a President allow the integrity of or the responsibility or the freedom of the office ever to be compromised or diluted or destroyed because when you destroy it, you destroy yourselves.

I hope and I pray that by not allowing the Presidency to be involved in divisive and deep partisanship, I shall be able to pass on to my successor a stronger office—strong enough to guard and defend all the people against all the strain that the future may bring us.

You men and women who have come here to this great progressive city of Chicago, led by this dynamic and great public servant, Dick Daley, you yourselves are charged with a peculiar responsibility. You are yourselves trustees, legally accepted trustees and legally selected trustees of a great institution on which the freedom of our land utterly depends.

The security, the success of our country, what happens to us tomorrow—rests squarely upon the media which disseminates the truth on which the decisions of democracy are made.

An informed mind—and we get a great deal of our information from you—is the guardian genius of democracy.

So, you are the keepers of a trust. You must be just. You must guard and you must defend your media against the spirit of faction, against the works of divisiveness and bigotry, against the corrupting evils of partisanship in any guise.

For America's press, as for the American Presidency, the integrity and responsibility and the freedom, the freedom to know the truth and let the truth make us free, must never be compromised or diluted.

The defense of our media is your responsibility. Government cannot and must not and never will—as long as I have anything to do about it—intervene in that role.

But I do want to leave this thought with you as I leave you this morning: I hope that you will give this trust your closest care, acting as I know you can, to guard not only against the obvious, but to watch for the hidden.

It is sometimes unintentional. We often base instructions upon the integrity of the information upon which Americans decide. Men and women of the airways fully—as much as men and women of public service—have a public trust and if liberty is to survive and to succeed, that solemn trust must be faithfully kept. I don't want—and I don't think you want—to wake up some morning and find America changed because we slept when we should have been awake, because we remained silent when we should have spoken out, because we went along with what was popular and fashionable, and "in" rather than what was necessary or was right.

Being faithful to our trust ought to be the prime test of any public trustee in office or on the airways.

In any society, all of the students of history know that a time of division is a time of danger. In these times now we must never forget that eternal vigilance is the price of liberty.

Thank you for wanting me to come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SCHADEBERG (at the request of Mr. GERALD R. FORD), for the balance of this week, on account of official business officiating by request of Department of Navy at the graduation ceremonies of Naval OCS at Newport, R.I.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PRICE of Texas) and to include extraneous matter:)

Mr. KUPFERMAN, for 15 minutes, on April 10, 1968.

Mr. GOODELL, for 10 minutes, today.

Mr. STAGGERS (at the request of Mr. PATMAN), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. GONZALEZ, for 15 minutes, tomorrow.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. OLSEN to revise and extend his remarks following the remarks of Mr. KYL.

Mr. HALLECK's remarks in tribute to David Lane Powers, to appear in permanent RECORD following Mr. THOMPSON of New Jersey, April 2.

The following Members (at the request of Mr. PRICE of Texas) and to include extraneous matter:

Mr. FULTON of Pennsylvania in five instances.

Mr. ERLENBORN.

Mr. CURTIS in three instances.

Mr. UTT.

Mr. RUMSFELD.

Mrs. BOLTON.

Mr. SCHERLE.

Mr. REINECKE.

Mr. SHRIVER.

Mr. NELSEN in three instances.

Mr. WYMAN.

Mr. STEIGER of Wisconsin in four instances.

Mr. FINDLEY.

Mr. ASHBROOK in two instances.

Mr. DERWINSKI in three instances.

Mr. CARTER.

Mr. SAYLOR.

Mr. DOLE.

Mr. SCHWEIKER.

Mr. BLACKBURN.

Mr. DENNEY.

Mr. MILLER of Ohio.

Mr. HALLECK.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. FRIEDEL.

Mr. EVINS of Tennessee in three instances.

Mr. EILBERG in three instances.

Mr. PHILBIN in three instances.

Mr. PODELL in two instances.

Mr. BROWN of California.

Mrs. GRIFFITHS in two instances.

Mr. RARICK in three instances.

Mr. POAGE in two instances.

Mr. DINGELL.

Mr. VANIK in three instances.

Mr. ROONEY of New York.

Mr. ROSENTHAL in two instances.

Mr. RHODES of Pennsylvania.

Mr. WRIGHT in two instances.

Mr. GONZALEZ in three instances.

Mr. ZABLOCKI in two instances.

Mr. MOORHEAD in three instances.

Mr. EDMONDSON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2448. An act for the relief of Dr. Gilberto Hedesa de la Campa; to the Committee on the Judiciary.

S. 3030. An act to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate; to the Committee on Merchant Marine and Fisheries.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 109. An act to prohibit unfair trade practices affecting producers of agricultural products, and for other purposes;

S. 172. An act for the relief of Mrs. Daisy G. Merritt; and

S. 1580. An act for the relief of John W. Rogers.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 4, 1968, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

1721. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report of maintenance of automatic data processing equipment in the Federal Government, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on Education and Labor. H.R. 16014. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees (Rept. No. 1274). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 1122. Resolution providing for the consideration of H.R. 15189, a bill to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 1275). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1123. Resolution providing for the consideration of H.R. 16241, a bill to extend the tax on the transportation of persons by air and to reduce the personal exemption from duty in the cases of returning residents (Rept. No. 1276). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1124. Resolution providing for the consideration of H.R. 16314, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 1277). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1125. Resolution providing for the consideration of H. Con. Res. 705, concurrent resolution to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment (Rept. No. 1278). Referred to the House Calendar.

Mr. MAHON: Committee of conference. H.R. 15399. An act making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes (Rept. No. 1279). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 16447. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 16448. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Veterans' Affairs.

By Mr. HATHAWAY:

H.R. 16449. A bill to amend the tariff schedules of the United States to provide for the temporary free importation of certain motion picture films; to the Committee on Ways and Means.

By Mr. KUPFERMAN:

H.R. 16450. A bill relating to the tax treatment of transfers of rights to copyrights and literary, musical, and artistic compositions; to the Committee on Ways and Means.

By Mr. POAGE:

H.R. 16451. A bill to authorize the Secretary of Agriculture to cooperate with the several governments of Central America in the prevention, control, and eradication of foot-and-mouth disease or rinderpest; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 16452. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 16453. A bill to amend the definition of "metal bearing ores" in the tariff schedules of the United States; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 16454. A bill to amend the Uniform Time Act of 1966 in order to restrain the enforcement of certain provisions of such act in States situated in more than one standard time zone; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 16455. A bill to enable honey producers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for honey; to the Committee on Agriculture.

By Mr. CHARLES H. WILSON:

H.R. 16456. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 25 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 16457. A bill to amend the Civil Service Retirement Act to provide increased annuities; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM (for himself and Mr. HALLECK):

H.R. 16458. A bill to amend subchapter III of chapter 83 of title 5, United States Code,

relating to civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. CURTIS (for himself, Mr. WIDNALL, Mr. RUMSFELD, and Mr. BROCK):

H.R. 16459. A bill recommending establishment of a Commission on Federal Budget Priorities and Expenditure Policy; to the Committee on Government Operations.

By Mr. PUCINSKI (for himself, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. HOLLAND, Mr. CAREY, Mr. SCHEUER Mr. GIBBONS, Mr. FARBSTEIN, Mr. MATSUNAGA, Mr. PRICE of Illinois, Mr. VAN DEERLIN, Mr. ANNUNZIO, Mr. BLATNIK, Mr. SISK, Mr. RONAN, and Mr. OLSEN):

H.R. 16460. A bill to amend the Vocational Education Act of 1963, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mrs. GREEN of Oregon, Mr. DANIELS, Mr. BRADEMAS, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. BELL, Mr. FOLEY, Mr. ADAMS, Mr. HICKS, Mr. VANIK, Mr. FRASER, Mr. MOORHEAD, Mr. KUPFERMAN, Mr. SCHWEIKER, Mr. KASTENMEIER, and Mr. TUNNEY):

H.R. 16461. A bill to amend the Vocational Education Act of 1963, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLIFIELD (for himself and Mr. HOSMER):

H.R. 16462. A bill granting the consent of Congress to the western interstate nuclear compact, and related purposes; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 16463. A bill to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the act of August 25, 1916, as amended and supplemented; to the Committee on Interior and Insular Affairs.

By Mr. RYAN:

H.R. 16464. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H.R. 16465. A bill to amend the Vocational Education Act of 1963, and for other purposes; to the Committee on Education and Labor.

H.R. 16466. A bill to establish a Department of Education and Manpower; to the Committee on Government Operations.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1218. Joint resolution asking the President of the United States to designate the month of May 1968, as National Arthritis Month; to the Committee on the Judiciary.

By Mr. REINECKE:

H.J. Res. 1219. Joint resolution designating the second Saturday in May of each year as National Fire Service Recognition Day, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H. Con. Res. 754. Concurrent resolution to express the sense of the Congress that the Secretary General of the United Nations should deliver an annual message on the state of mankind; to the Committee on Foreign Affairs.

By Mr. MADDEN:

H. Con. Res. 755. Concurrent resolution relative to the independence of free peoples of the captive nations; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H. Con. Res. 756. Concurrent resolution establishing the Joint Select Committee on Observance of the 50th Anniversary of Armistice Day; to the Committee on Rules.

By Mr. PATTEN (for himself, Mr. ADDABBO, Mr. BATES, Mr. BELL, Mr. BUCHANAN, Mr. DANIELS, Mr. DULSKI, Mr. FINO, Mr. HALPERN, Mr. HELSTOSKI, Mr. KUPFERMAN, Mr. LIPSCOMB, Mr. LUKENS, Mr. MADDEN, Mr. O'KONSKI, Mr. PUCINSKI, Mr. RODINO, and Mr. ST. ONGE):

H. Con. Res. 757. A concurrent resolution requesting the President to take certain actions in regard to the fulfillment of the United Nations Charter with respect to captive nations; to the Committee on Foreign Affairs.

By Mr. O'HARA of Illinois:

H. Res. 1127. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 16467. A bill to provide for the conveyance by the Secretary of the Interior of certain lands and interests in lands in Grand and Clear Creek Counties, Colo., in exchange for certain lands within the national forests of Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'KONSKI:

H.R. 16468. A bill for the relief of Catherine Pamela Beaudoin; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 16469. A bill for the relief of Mario Monaco; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI (by request):

H.R. 16470. A bill for the relief of Antoni Ramotowski; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 16471. A bill for the relief of George Roger Ernest Williams, Marie Marguerite Cecile Jeannette Williams, Keith Albert Williams, Glynnis Marie Elizabeth Williams, Trevor Joseph Williams, Derek Arthur Williams, and Ruth Anne Williams; to the Committee on the Judiciary.

SENATE—*Wednesday, April 3, 1968*

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Lord and Master of us all, whate'er our name or sign, our fathers trusted in Thee and were not confounded. In Thee we trust. In Thee is our sure confidence that the way of the Republic is down no fatal slope, but up to the freer sun and air. Thou hast brought us to love truth and duty and goodness. May Thy truth make us free, free from pride and prejudice and from all the ugly sins of disposition that doth so easily beset us.

Lift us above the mud and scum of mere things to the holiness of Thy beauty, so that the common task and the trivial round, may be edged with crimson and gold.

Give us, O God, the strength to build
The city that hath stood
Too long a dream, whose laws are love,
Whose ways are brotherhood:
And where the sun that shineth is God's
grace for human good.

We ask it in the name of Him who is the light and the truth. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 2, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARTKE ON THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business on tomorrow, Thursday, the distinguished Senator from Indiana [Mr. HARTKE] be allowed to proceed for not to exceed 2 hours.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

PRESIDENT JOHNSON SHOULD GRASP HANOI OFFER TO NEGOTIATE FOR UNCONDITIONAL HALT OF BOMBING NORTH VIETNAM AND FOR PEACE TALKS

Mr. YOUNG of Ohio. Mr. President, I just came to the Chamber from the Com-

mittee on Armed Services, where I was very pleased to learn that a Hanoi broadcast of this morning, as translated, stated as follows:

During the past more than ten years the United States imperialism has brazenly violated the 1954 Geneva Agreement . . .

Passing up temporarily some of the other propaganda, the broadcast from Hanoi went on to state:

It is clear that the United States Government has not correctly and fully responded to the just demand of the Democratic Republic of Vietnam of United States progressive opinion and world opinion. However—

This is the important part of the broadcast from Hanoi, as translated—

on our part, the DRV—

The Democratic Republic of Vietnam—that is, the Hanoi government—

declares its readiness to send its representatives to make contact with United States representatives to decide with the United States the unconditional cessation of bombing and all other war acts against the DRV so talks could begin.

This was broadcast in Vietnamese at 9:33 a.m., eastern standard time, radio Hanoi, according to the report I received outside the Armed Services Committee room.

Mr. President, I express the fervent hope that President Johnson will immediately seize upon this opportunity and at once dispatch that great negotiator and highly respected American patriot, Averell Harriman, and also Ambassador Llewellyn Thompson to pursue this offer. I hope our President will give immediate attention and consideration to this matter because it appears to offer some hope, even if it is a mere glimmer of hope, for peace and a cease-fire in Vietnam. We should seize this opportunity.

WE SHOULD REPUDIATE DEMANDS OF SAIGON MILITARY JUNTA

Mr. President, Tran Van Do, Foreign Minister of the puppet Thieu-Ky regime in Saigon apparently recently joined General Thieu and Marshal Ky in urging a land invasion of North Vietnam. He recently stated that the American strategy of limited war has failed and that "it is only logical" that the United States should look for new ways to end the war. He also indicated he does not believe further escalation of the kind practiced up to now by the Johnson administration can guarantee any turn in the war as Hanoi is capable of matching further U.S. troop buildups. Admitting that the initiative is now with the Vietcong, he stated that any review of U.S. policy would certainly include a consideration of extending the war into Laos or invading North Vietnam.

Tran Van Do also stated that his government cannot accept a cessation of the bombing of North Vietnam—consider the effrontery of this—without some reciprocal move by Hanoi. We have had that move this morning. Well, since President Thieu and his foreign minister favor continued bombing of North Vietnam, let Vice President Ky don his fancy air marshal costume and lead the attack. Let us hope any such attack would be by airplanes of the Saigon military regime and none of our warplanes. The foreign minister calls for Washington to look for new ways to end the war. Of course, he does not mention any participation by so-called friendly forces of South Vietnam. This is not really surprising for the fact is that this is now an American war in which the South Vietnamese Government and armed forces have become bystanders while Americans fight and die and while many thousands of Vietnamese civilians are killed and maimed. The Vietnam war is now the fourth bloodiest in our Nation's history, exceeded only by the Civil War and World Wars I and II.

It is interesting to note that, directly beside the article in the Washington Post last Friday reporting Tran Van Do's most recent statements, there was a rundown of the casualties for the previous week in the Vietnam war, which showed that, for the week ending March 23, 2,314 Americans were killed and wounded, while only 940 Vietnamese were killed and wounded during the same period. The fact is that the South Vietnamese Army has withdrawn from active combat.

It is unconscionable for us to draft young Americans of 18, 19, and 20, after 4 months of training send them to fight in the jungles and swamps of Vietnam, while Vietnamese young men in the same age groups are not drafted but permitted to pay $800 for exemption from military service. Now South Vietnamese leaders declare they will adopt next fall the policy of drafting 18- and 19-year-old Vietnamese. Probably next fall. President Thieu will postpone this until next year if he is still head of the very shaky Saigon regime. Unfortunately, for several years now American draftees of 18 and 19 have been fighting and dying in Vietnam.

It is outrageous and inexcusable that our young men should be called to fight and die in the miserable civil war in Vietnam while the corrupt Saigon military regime refuses to mobilize the young men of that country and accepts money to grant deferments. Officers and men in South Vietnam now in the armed forces spend a 5-day week with a 3-hour siesta daily. They are friendly forces, so called; too friendly to fight. In Saigon a leader in the South Vietnam Assembly spoke out against drafting youngsters of ages 18 and 19. He said, "This is an American war. We should stay out of it."

It was recently disclosed that in the fighting at Hue during the Tet offensive, a thousand Vietnamese soldiers were in the city on Tet leave at the time. Instead of joining the fighting for their own city, they disguised themselves as refugees and stayed on the university grounds for 3 weeks. They were at all times behind U.S. lines and away from mortar shelling, yet they made no effort to rejoin their units or to join in the battle to save their own city. Among them was a colonel of the South Vietnamese army. With allies like these, we need friends.

Mr. President, we have paid a tremendously high price in blood and money—more than 24,000 men of our Armed Forces dead, killed in combat or died of injuries in the combat zone, and more than 110,000 wounded in combat and more than $115 billion in expenditures to try to maintain South Vietnam, a little sliver of a nation that has no conception of national identity, as a pro-American anti-Chinese Communist nation. It is absurd for us to continue to fight in a civil war in a little country 10,000 miles distant led by a military clique, where a "democratic" election means the runner-up lands in jail, or is placed in protective custody, so-called, where mandarin landlords scoff at promises of land reform, where corruption and graft is rampant and involve deals between the South Vietnamese and the Vietcong to provide the VC with American weapons and ammunition.

If Foreign Minister Tran Van Do is sincerely interested in bringing peace to Vietnam, then let him urge a coalition government that would give true representation to all the political parties and elements of South Vietnam. Instead, he suggests that American troops invade North Vietnam despite the fact that this sort of expansion and escalation of the war would probably require, at the very least, half a million American soldiers in addition to the more than half million marines, soldiers, and airmen we now have fighting in this ugly civil war. These in addition to 45,000 American fighting men in Thailand and 52,000 Republic of Korea fighting men in South Vietnam.

Our immediate task is to disengage and withdraw from the most unpopular war Americans have ever fought. President Johnson's subservience to the generals of the Joint Chiefs of Staff has resulted in bombing North Vietnam almost incessantly since 1964 and, as a result of this bombing of North Vietnam, the war expanded and accelerated, and before the bombing was commenced not one regular soldier from North Vietnam was fighting in South Vietnam. Following the bombing of the North, then regulars soldiers of the Hanoi government infiltrated south of the 17th parallel and have been fighting throughout that area since.

Several hours preceding President Johnson's statement announcing his calling a halt of bombing of most of North Vietnam and his announcement removing himself as a candidate for reelection, retired Gen. Maxwell V. Taylor, one of the warhawk advisers whose bad advice President Johnson has been following over the past few years, in a nationally televised interview made a shockingly stupid, insensitive, and untruthful statement. General Taylor said, "Yes, the recent Tet offensive of the Vietcong was a net victory for us." I cite this as an example of the mental lethargy and arrogance of the military and of what we charitably call the credibility gap. President Johnson would have been far better off had he kept in mind that President Eisenhower in his final statement to the American people warned us against the dangers of the military-industrial complex. In fact, President Johnson is in deep trouble for the reason he has been subservient to the will, wishes, and demands of the generals of our Joint Chiefs of Staff and of former Gen. Maxwell V. Taylor.

Mr. President, we must seek to neu-

tralize Vietnam and end the bloodletting there. Otherwise, the future holds forth for us indefinite involvement in that wartorn land. Even more compelling is the fact that to continue our present tragic course is likely to lead to a third world war.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

ANNUAL REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, its annual report for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Commerce.

REPORT OF BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1968 annual report of the Board (with an accompanying report); to the Committee on Finance.

REPORT ON U.N. PEACEKEEPING

A letter from the Acting Secretary, Department of State, transmitting, pursuant to law, a report on U.N. Peacekeeping as of March 9, 1968 (with an accompanying report); to the Committee on Foreign Relations.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

PETITION

The PRESIDING OFFICER laid before the Senate a resolution adopted by the Pennsylvania Public Utility Commission, of the Commonwealth of Pennsylvania, praying for the enactment of legislation to call an immediate moratorium on all train discontinuances, which was referred to the Committee on Commerce.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON THE FOOD FOR FREEDOM PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 296)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am pleased to transmit to the Congress the 1967 report on the Food for Freedom program.

The bounty of America's farms have long given hope to the human family.

For the pioneers, who first plowed our fertile fields, their harvest brought liberation from the age-old bondage of hunger and want.

For the victims of two world wars, our food nourished the strength to rebuild with purpose and dignity.

For millions in the developing nations, our food continues to rescue the lives of the starving and revive the spirit of the hopeless.

We share our bounty because it is right. But we know too that the hungry child and the desperate parent are easy prey to tyranny. We know that a grain of wheat is a potent weapon in the arsenal of freedom.

Compassion and wisdom thus guided the Congress when it enacted Public Law 480 in 1954. Since then, the productivity of the American farmer and the generosity of the American people have combined to write an epic chapter in the annals of man's humanity to man.

In 1966, I recommended that Congress alter Public Law 480 to reflect new conditions both at home and abroad. The Congress accepted my major recommendations, and added provisions of its own to strengthen the Act. I am proud to report that in 1967 we successfully fulfilled the letter and spirit of these new provisions.

Congress directed that the Food for Freedom program should encourage international trade.

—In 1967 world trade in agricultural products reached an all-time high of $33.9 billion, nearly 20 percent higher than in 1966.

Congress directed that the Food for Freedom program should encourage an expansion of export markets for our own agricultural commodities.

—In the past two years, this nation has enjoyed unparalleled prosperity in agricultural exports. Since 1960 our agricultural exports have grown from $3.2 billion to $5.2 billion—a gain of 62 percent.

Congress directed that we should continue to use our abundance to wage an unrelenting war on hunger and malnutrition.

—During 1967 we dispatched more than 15 million metric tons of food to wage the war on hunger—the equivalent of 10 pounds of food for every member of the human race.

Congress determined that our Food for Freedom program should encourage general economic progress in the developing countries.

—Our food aid has helped Israel, Taiwan, the Philippines, and Korea build a solid record of economic achievement. With our help, these nations have now moved into the commercial market, just as Japan, Italy, Spain and others before them.

Congress determined that our food aid should help first and foremost those countries that help themselves.

—Every one of our 39 food aid agreements in 1967 committed the receiving country to a far-reaching program of agricultural self-help. Many of these programs are already bringing record results.

Congress directed that we should move as rapidly as possible from sales for foreign currency to sales for dollars.

—Of the 22 countries participating in the Food for Freedom program in 1967, only four had no dollar payment provision. Last year, six countries moved to payments in dollars or convertible local currencies.

Congress directed that we should use Food for Freedom to promote the foreign policy of the United States.

Statistics alone cannot measure how Food for Freedom has furthered America's goals in the world. Its real victories lie in the minds of millions who now know that America cares. Hope is alive. Food for Freedom gives men an alternative to despair.

Last year was a record year in world farm output. With reasonable weather, 1968 can be even better. New agricultural technology is spreading rapidly in the developed countries. New cereal varieties are bringing unexpectedly high yields in the developing lands. An agricultural revolution is in the making.

This report shows clearly how much we have contributed to that revolution in the past year. But the breakthrough is only beginning. The pride in accomplishments today will seem small beside the progress we can make tomorrow.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 3, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15414) to continue the existing excise tax rates on communication services and on automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12119. An act for the relief of Joseph M. Hepworth;

H.R. 15591. An act for the relief of Pfc. John Patrick Collopy, US51615166; and

H.R. 15979. An act to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 109. An act to prohibit unfair trade practices affecting producers of agricultural products, and for other purposes;

S. 172. An act for the relief of Mrs. Daisy G. Merritt;

S. 1580. An act for the relief of John W. Rogers;

H.R. 7325. An act to authorize the Secretary of the Interior to exchange certain Federal lands for certain lands owned by Mr. Robert S. Latham, Albany, Oreg.;

H.R. 10599. An act relating to the Tiwa Indians of Texas; and

H.R. 11254. An act for the relief of Jack L. Good.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 12119. An act for the relief of Joseph M. Hepworth; and

H.R. 15591. An act for the relief of Pfc. John Patrick Collopy, US51615166; to the Committee on the Judiciary.

H.R. 15979. An act to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Joint Committee on Atomic Energy, without amendment.

S. 3262. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 1074).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 5799. An act to amend the District of Columbia Uniform Gifts to Minors Act to provide that gifts to minors made under such act may be deposited in savings and loan associations and related institutions, and for other purposes (Rept. No. 1075).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

S. 2015. A bill to amend section 11–1902, District of Columbia Code, relating to the duties of the coroner of the District of Columbia (Rept. No. 1076).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 2496. A bill to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area (Rept. No. 1077).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William C. Keady, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

John H. Johnson, of Illinois, to be a member of the Advisory Board for the Post Office Department; and

Two hundred and twenty-nine postmaster nominations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON (by request):

S. 3275. A bill to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate hearing.)

By Mr. BREWSTER:

S. 3276. A bill to modernize certain provisions of the Civil Service Retirement Act, and for other purposes; to the Committee on Post Office and Civil Service.

S. 3277. A bill to strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. BREWSTER when he introduced the above bills, which appear under separate headings.)

By Mr. MAGNUSON (by request):

S. 3278. A bill to provide for the authority for passenger vessels to operate as trade-fair exhibition ships; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 3279. A bill for the relief of Col. Heinz Eisenberg, U.S. Army Reserve (retired); to the Committee on the Judiciary.

S. 3275—INTRODUCTION OF BILL RELATING TO THE ACCEPTANCE OF GIFTS FOR THE BENEFIT OF INDIANS

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians.

The Department of the Interior, by letter of December 11, 1967, requested the introduction of this legislation. I ask unanimous consent that the letter from Assistant Secretary Harry R. Anderson explaining the need for the legislation be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3275) to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians, introduced by Mr. JACKSON, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., December 11, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The 1931 Act reads as follows:

"The Secretary of the Interior be, and he is hereby authorized in his discretion to accept contributions or donations of funds or other property, real, personal, or mixed, which may be tendered to, or for the benefit of, Federal Indian schools, hospitals, or other institutions conducted for the benefit of Indians, or for the advancement of the Indian race, and to apply or dispose of such donations for the use and benefit of such school, hospital, or other institution or for the benefit of individual Indians."

The Act permits the acceptance of donations for the benefit of Indian institutions or for the advancement of the Indian race. It permits the donations to be used only for the benefit of an Indian institution or for the benefit of individual Indians.

The requirement that the donations be used for the benefit of an Indian institution or individual Indians raises doubts about the use of the donations for such things as research on educational curriculum to meet the special needs of Indian children; research on the special social adjustment problems of Indian families and individuals; projects to develop Indian communities and community leadership; museums to preserve Indian culture and promote understanding of Indian people; and cooperative projects for housing improvement or resource development.

In order to clarify the Act and to permit the use of donations for any purpose that will contribute to the advancement of the Indian people within the framework of programs otherwise authorized by law, the Act should be rephrased. Our proposed bill would accomplish this result.

At the present time about $35,000 of donated funds is on hand.

It should be noted that the Department has in the past encouraged donations to be made to charitable organizations or to tribal governments when they were best able to administer the gift, and that practice will be continued. When the gift needs to be administered by the Secretary, however, he should have broader authority than is now contained in the 1931 Act.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

S. 3275

A bill to amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 14, 1931 (46 Stat. 1106, 25 U.S.C. 451), is amended to read as follows:

"The Secretary of the Interior may accept donations of funds or other property for the advancement of the Indian race, and he may use the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provision of law for the benefit of Indians."

S. 3276—INTRODUCTION OF BILL TO MODERNIZE CERTAIN PROVISIONS OF THE CIVIL SERVICE RETIREMENT ACT

Mr. BREWSTER. Mr. President, each year various laws are enacted which benefit our Federal employees either through direct pay increases, or in improved and extended fringe benefits. Over the years, too, there have been a variety of bills introduced which would make liberal changes in the benefits affecting our Federal employees when they retire. However, these individual bills have stayed in committee without action and have been reintroduced session after session. I think our retirees, after serving their Government for nearly a lifetime, deserve better than this.

Individually, these bills affect only a

small part of the retirement system. Together, they form the basis for a significant overhaul and modernization of the regulations governing retirees.

First, the bill I introduce today will change the computation formula on annuities by providing that after an employee completes 10 years of service, all past and future service will be creditable at a 2-percent rate. Presently it is 1½ percent for the first 5 years and 1¾ percent for the next 5. These figures would apply only to service of fewer than 10 years.

Second, a surviving spouse would receive 60 percent of the employee's earned annuity rather than the 55 percent provided for under today's regulations. This percentage has not been increased since 1962 and would, I feel, be completely justified in view of the rise in the cost of living in the past 6 years. It would also tend to equalize annuity payments with the adjustments made last year in the Social Security Act.

The automatic cost-of-living formula for the adjustment of annuities has been most recently attacked by retirees who claim that they do not receive as regular or as high an increase as the Federal workers do. The present formula provides that annuities will be automatically increased whenever the cost of living goes up as much as 3 percent and stays up for 3 months in a row. Such annuity increases equal the percentage rise in the cost of living. My bill would cut down on the time a retiree has to wait to receive an increase in annuities by making the automatic adjustment formula go into effect after the price index has risen by 2 percent for 2 consecutive months.

The definition of basic pay is changed by this bill to include in the computation of annuities overtime or premium pay earned by an employee. The employee certainly works for this extra pay, and I believe should have it credited to his account when he retires.

The present penalty for survivorship annuities works much too hard a burden on the retiree. I propose that the 2½-percent reduction now applied only up to $3,600 be changed to apply up to $4,800. Then the 10-percent reduction would apply to annuities over $4,800 rather than all amounts over $3,600 as it now does.

My bill further raises survivorship benefits for children and provides for increased contributions by covered employees, with matching agency contributions, to guarantee the necessary funding for this liberalized program.

This bill has already been introduced in the House of Representatives by the Honorable THADDEUS J. DULSKI, chairman of the House Post Office and Civil Service Committee. I feel that with his able leadership and with support in the Senate committee for this long overdue legislation, we can soon realize a new, workable and certainly beneficial program for our retired Federal employees.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3276) to modernize certain provisions of the Civil Service Retirement Act, and for other purposes, introduced by Mr. BREWSTER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3277—INTRODUCTION OF BILL RELATING TO CRIMINAL PENALTIES FOR MAILING, IMPORTING, OR TRANSPORTING OF OBSCENE MATTER

Mr. BREWSTER. Mr. President, I am sure that everyone of our distinguished colleagues has had the problem of pornography in the mails brought to his attention at one time or another by angered constituents, demanding that something be done by the Federal Government to have their names removed from the mailing lists of these peddlers of of filth. I know that the residents of Maryland find the receipt of unsolicited pornographic publications and similar smut an invasion of the privacy of their homes.

Personally, I find the situation deplorable and was proud to have had a part in supporting title III of last year's Postal Revenue and Federal Salary Act. In that measure, the President wisely enacted into law provisions which would make it possible for an addressee to judge a piece of mail and, in his sole discretion, render a decision as to its acceptability. If the addressee finds the mailing to be a pandering advertisement, offering for sale matter which he believes to be erotically arousing or sexually provocative, he may request that the Postmaster General issue an order directing the sender to refrain from further mailings of such material to his address. In the law, the Postmaster General and the district courts are granted authority to carry out this directive, including the issuance of orders imposing punishment for contempt of court if firms do not comply.

Now, at long last, we have a degree of control over what comes into our home through the mail. I propose, in the measure I introduce today, to take one step further in trying to restrain the flow of smut in this country. My bill would strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter. It sets minimum fines and prison sentences for persons knowingly using the mails for the carriage of obscene materials and would, I hope, enable us to cut down the traffic in such mailings. We must do all we can to protect our citizenry and our children from having obscene mail matter thrust upon them unwillingly.

Mr. President, I commend this legislation to your attention and ask that our colleagues give it their utmost consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3277) to strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter, and for other purposes, introduced by Mr. BREWSTER, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3278—INTRODUCTION OF BILL TO PROVIDE AUTHORITY FOR PASSENGER VESSELS TO OPERATE AS TRADE-FAIR EXHIBITION SHIPS

Mr. MAGNUSON. Mr. President, I introduce, at the request of American Export Isbrandtsen Lines, Inc., for appropriate reference, a bill to provide for the authority for passenger vessels to operate as trade-fair exhibition ships.

The present bill would authorize the Maritime Subsidy Board to permit a passenger vessel that is experiencing losses after subsidy to be freed from its contractual obligations to operate as a passenger vessel on a specific trade route and would allow it to operate as a passenger-exhibition ship to ports throughout the free world. Such alternative employment for the vessel would be consistent with our Trade Expansion Act.

In order to grant an application for a passenger vessel to operate as a passenger-exhibition ship, the bill would require that the Board find, first, that such operation would be consistent with the best interest of the United States in promoting export expansion, second, that the configuration of the vessel as a passenger-exhibition ship would not impair its national defense capabilities, and third, that the operation would be in accordance with the purpose of promoting the American Merchant Marine. The bill would further provide that the itineraries of the vessel would be subject to the approval of the Board and of the Office of Trade Fairs of the Department of Commerce.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3278) to provide for the authority for passenger vessels to operate as trade-fair exhibition ships, introduced by Mr. MAGNUSON (by request) was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF BILL, JOINT RESOLUTION, AND CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia [Mr. RANDOLPH], I ask unanimous consent that, at its next printing, the name of the senior Senator from Hawaii [Mr. FONG] be added as a cosponsor of the joint resolution (S.J. Res. 158) to authorize and request the President to designate the first full week in May of each year as "National Employ the Older Worker Week."

This is the joint resolution which Senator RANDOLPH introduced yesterday, April 2, with the cosponsorship of 11 other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New Jersey [Mr. WILLIAMS], the Senator from Texas [Mr. TOWER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Massachusetts [Mr. BROOKE], and the Senator from Illinois [Mr. PERCY] be added as cosponsors of the bill (S. 3218) to enable the Export-Import Bank of the United States to approve extension of certain loans, guarantees, and insurance in connection with exports from the United States in order to improve the balance of payments and foster the long-term commercial interests of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin [Mr. PROXMIRE], I ask unanimous consent that, at its next printing, the name of the Senator from Maryland [Mr. BREWSTER] be added as a cosponsor of Senate Concurrent Resolution 53, expressing the sense of the Congress that the Secretary General of the United Nations should deliver an annual message on the state of mankind.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISPOSAL OF MAGNESIUM FROM NATIONAL STOCKPILE—AMENDMENT

AMENDMENT NO. 694

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 5785) to authorize the disposal of magnesium from the national stockpile, which was ordered to lie on the table and to be printed.

DISPOSAL OF BERYL ORE FROM NATIONAL STOCKPILE—AMENDMENT

AMENDMENT NO. 695

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 14367) to authorize the disposal of beryl ore from the national stockpile and the supplemental stockpile, which was ordered to lie on the table and to be printed.

PRESIDENT'S GOAL IS PEACE AND UNITY

Mr. MAGNUSON. Mr. President, few Presidents have ever stood as tall as President Johnson did Sunday night.

It will be easy to lose sight of this fact.

In the days that follow there will be an examination and a reexamination of his decision. There will be conjecturing, criticizing, analyzing, speculating, and so on. Almost each and every one will have a theory of why he really did what he did.

But to me the simple truth is this: The President is deeply committed to the cause of world peace. In order to pursue that goal his words and deeds had to be interpreted in a broader context free of partisanship. Therefore he removed himself from candidacy for the job he has handled so well.

It is sad it had to be this way. Lyndon Johnson and I have been friends and associates for over 30 years. As well as any man alive, I know that he neither wished nor willed a collision course with any country. I know equally well that history's judgment will be kinder than that of his contemporaries.

President Johnson's act took courage and commitment. President Johnson's goal is peace and unity. He has set a high standard of ideal and conduct for all of us to follow.

I hope that we will be able to measure up as well as he has.

The news from Hanoi today opens up at least a faint possibility that there will be an opportunity for all of us to go to the negotiating table. If we do, then I believe that President Johnson's historic act last Sunday will be even more memorable in world history.

I hope that we can take advantage of these new events.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from Washington in the remarks he has just made and also to express the hope, as he has, that the magnificent and historic address made by President Johnson on Sunday night is now in the process of being answered by Ho Chi Minh, the President of the Democratic People's Republic of North Vietnam.

As of now, the press reports are not so accurate or so valid as either one of us would like to see them, but at least they hold out a glimmer of hope that perhaps there will be a light at the end of the tunnel.

I am quite certain that on the basis of what the President said on Sunday night, if the reports as to what President Ho Chi Minh is supposed to have said are true, it will be given immediate, prompt, and serious consideration.

If it does come to pass, it will be because of the historic address made by the President last Sunday—I repeat, a historic address—and also because of the sacrifice he made at that time in announcing that he would not be a candidate for renomination.

Mr. MAGNUSON. I thank the Senator from Montana.

AMENDMENT OF TARIFF SCHEDULES REGARDING CLASSIFICATION OF CHINESE GOOSEBERRIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 489, H.R. 2155.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2155) to amend the tariff schedules of the United States with respect to the classification of Chinese gooseberries.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments, on page 1, line 8, after "SEC. 2." to insert "(a)"; on page 2, after line 2, to insert:

(b)(1) The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

(2) For purposes of section 351(b) of the Trade Expansion Act of 1962, the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934.

After line 15, to insert a new section, as follows:

SEC. 3. Section 551 of the Tariff Act of 1930, as amended (19 U.S.C. 1551), is amended by adding at the end thereof the following new sentence: "A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries, and for other purposes."

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in passing Calendar No. 489, H.R. 2155, be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JOSIAH K. LILLY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1027, S. 2409.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2409) for the relief of the estate of Josiah K. Lilly.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment, in line 3, after the word "delivery" insert "within thirty days following the enactment of this Act"; so as to make the bill read:

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon delivery within thirty days following the enactment of this Act to the Smithsonian Institution by the Merchants National Bank and Trust Company of Indianapolis, as executor of the estate of Josiah K. Lilly, to the title to, ownership, and possession of the collection of gold coins left by the said Josiah K. Lilly and comprising approximately six thousand one hundred and twenty-five items, the said estate shall be entitled to a credit against its obligation for Federal estate tax, effective as of the date upon which the return was due to be filed, in the amount of $5,534,808.00.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1063), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

That upon delivery within 30 days following the date of enactment of this act to the Smithsonian Institution by the Merchants National Bank & Trust Co. of Indianapolis, as executor of the estate of Josiah K. Lilly, of the title to, ownership, and possession of the collection of gold coins left by the said Josiah K. Lilly and comprising approximately 6,125 items, the said estate shall be entitled to a credit against its obligation for Federal estate tax, effective as of the date upon which the return was due to be filed, in the amount of $5,534,808.

STATEMENT

Josiah K. Lilly died in May 1966 leaving a substantial estate. Included in his estate is a large and valuable collection of approximately 6,125 gold coins. These coins were described in the report of the Treasury Department to Senator Eastland, the chairman of the committee, in a letter dated September 29, 1967.

After Mr. Lilly's death his executor faced the question of how to dispose of the coin collection, which the executor considered to be worth several million dollars. Under the terms of the decedent's will, the executor does not have the power to donate the collection as a charitable contribution. The conclusion was reached that the only feasible method of disposition would be to sell the collection at public auction through a series of sessions spread over several years so as not to unduly depress the market at any time. In the interim, officials of the Smithsonian Institution expressed a keen interest in acquiring the collection as a whole.

The Smithsonian Institution and the estate have discussed various possible alternatives for the Smithsonian to acquire the collection and for the estate to receive fair market value for it. It was decided by the estate and the Smithsonian that private legislation should be sought to permit the Smithsonian to acquire the collection through a reduction of the estate's Federal estate tax liability in the amount of the fair market value of the collection.

The estate then secured the services of two expert appraisers and supplied them with instructions as to the valuation principles to be applied in arriving at a fair market value for the collection as a whole. The collection was eventually appraised at $5,534,808. This is the amount of the estate tax credit which is provided in S. 2409.

Althought the Internal Revenue Service has not attempted to verify the accuracy of the amount eventually arrived at by the appraisers, the Service has determined that the appraisers were qualified and that the valuation instructions given to the appraisers by the estate were in accordance with the principles prescribed by the Internal Revenue Service for determinations of fair market market value for estate tax purposes generally. The Smithsonian Institution is satisfied that the fair market value of the collection is $5,534,808.

The Department of the Treasury states in its report that enactment of the bill would result in a revenue loss of the amount involved in the bill, plus interest on that amount from the due date of the estate tax return to the date of delivery of the collection to the Smithsonian. In view of the fact that the revenue loss approximately equals the fair market value, as determined by the estate's expert appraisers and as agreed to by the Smithsonian, of the property which the U.S. Government will obtain through the acquisition of the coin collection by the Smithsonian Institution, the advisability of the bill depends upon the desirability of that acquisition. The Treasury Department has been informed by the Smithsonian Institution that the acquisition will be beneficial to the Government.

It is worthy to note that the curator of numismatics of the Smithsonian has stated that the acquisition of the Lilly coins would make the Smithsonian's collection second to none in the world. Professional numismatists are of the opinion that the Lilly collection could never be reassembled and that its dissolution would be most unfortunate.

In its report, the Treasury Department stated that a 30-day delivery date would seem essential in order to avoid the possibility of the estate's being able to retain the collection for a prolonged period and deliver it at some indefinite future date and still claim the credit.

The committee, after study of the facts in this matter, believes that the acquisition of this coin collection is one that should be accomplished. If this coin collection, as set forth, is second to none in the world, this acquisition by the Smithsonian Institution for display to the public is most desirable. Since the value of the coin collection is given as a tax credit to the estate of Mr. Lilly, the Government is in effect receiving the value of the coin collection in return for the tax credit, which means in dollars and cents that there is a loss in revenue, but at the same time, an acquisition by the United States in approximately the same amount. The committee, therefore, strongly recommends that the bill S. 2409 be considered favorably.

EXTENSION OF PUBLIC LAW 480

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1048, S. 2986.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2986) to extend Public Law 480, 83d Congress, for 3 years, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 6, after "December 31," strike out "1970" and insert "1971"; and on page 2, line 11, after the word "finance" insert "with not less than 2 per centum of the total sales proceeds received each year in each country"; so as to make the bill read:

S. 2986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "December 31, 1968" and inserting in lieu thereof "December 31, 1971."

SEC. 2. (a) Section 104(h) of such Act is amended by inserting before the semicolon at the end thereof the following: ". Not less than 5 per centum of the total sales proceeds received each year shall, if requested by the foreign country, be used for voluntary programs to control population growth".

(b) Section 109(a) of such Act is amended by striking out the word "and" at the end of clauses (7) and (8), changing the period at the end of such subsection to a semicolon, and adding the following:

"(10) carrying out voluntary programs to control population growth."

SEC. 3. Section 104(b)(2) of such Act is amended to read as follows:

"(2) finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international education and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit private educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the National Foundation on the Arts and the Humanities Act of 1965, and the Public Broadcasting Act of 1967;"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. ELLENDER. Mr. President, this bill, with the committee amendments, would extend Public Law 480, 83d Congress, for 3 years, with added emphasis on family planning and educational exchange.

Public Law 480 was enacted July 10, 1954. Its purpose at that time was to dispose of surplus agricultural commodities and provide aid to foreign countries that needed our help. It was enacted on an experimental basis for 3 years. It has been extended from time to time, and in 1966 was substantially revised, the disposal of surplus agricultural commodities no longer being specified as a purpose.

The program has worked well and the committee received no objections to enactment of the pending bill. Hearings were held on March 13, 14, and 15, and the bill was reported by unanimous vote of the committee.

From July 10, 1954, when Public Law 480 was approved through December 31, 1967, agreements have been signed for the sale of commodities with a market value of $12.4 billion—$18 billion Commodity Credit Corporation cost. Sales proceeds are used for economic and other aid, loans, and other purposes. Dollar receipts by the United States totaled just under $1.7 billion through June 30, 1967.

Donations under title II through December 31, 1967, have totaled $5.7 billion, consisting of $3.1 billion through voluntary relief agencies and $2.6 billion on a government-to-government basis or through the world food program.

The United States has been very generous under this program; too generous. A greater effort should be made to get other nations to provide their fair share of aid to needy countries.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 1066), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMITTEE CONSIDERATION

The committee held hearings on March 13, 14, and 15 on all of the bills before it on this matter—S. 2891, S. 2986, and S. 3069; and heard all witnesses who desired to be heard. S. 2891 and S. 3069 were simple 3-year extensions of Public Law 480. S. 2986, as introduced, provided for a 2-year extension of Public Law 480 and contained provisions emphasizing the need for population control and mutual educational and cultural exchange activities. The hearings showed that the program has been successful and there was little sentiment for any substantial change in it. Suggested changes were minor and were fully considered by the committee.

In addition to matters raised at the hearings, the committee gave some consideration to the question of port charges on title II shipments. It was advised that in the case of food donated under title II of Public Law 480 for distribution to needy people abroad through American voluntary agencies and directly to governments for emergency relief and child feeding programs, the United States pays the ocean shipping costs. The United States has been paying normal shipping billings in which certain port charges have been hidden in the billing. In some cases the recipient governments were obligated to pay these port charges but it has not been possible to identify these charges and they have not been paying them. The Agency for International Development now proposes to negotiate with the 16 major recipient countries a flat 10-percent payment of the total shipping charges which represents the average part of the ocean freight billing attributable to port charges. The committee felt that this proposal should be pursued assiduously.

Another matter brought to the committee's attention other than through the hearings was a suggestion by Senator Williams of Delaware for the inclusion of a provision somewhat similar to section 9 of S. 2902. This would provide for the sale of surplus foreign currencies to U.S. tourists at a discount. It would be available only if the tourist confined his travel to countries where the United States had surplus foreign currencies, plus the travel necessary to reach such countries. The purpose of this provision would be to alleviate the balance-of-payments problem without restricting our citizens' traditional right to travel freely. The committee felt that the administrators of the program should make every effort to achieve this objective. They have the authority now to do so, and no further authority is needed. The committee considered a mandatory direction to the administrators on this point, but realizing the difficulties involved in obtaining the host country's approval, possible effects on the host country's currency, and other problems involved in it, the committee decided not to make it a mandatory requirement. While not mandatory, it should be an objective of the program administrators.

GENERAL BACKGROUND

Public Law 480, 83d Congress, was enacted in 1954 as the Agricultural Trade Development and Assistance Act of 1954. Its purpose was to use agricultural commodities which were surplus to our needs to provide aid to friendly countries, promote trade, and advance our foreign policy interests. It has been amended and extended many times through the years. In 1966 it was substantially revised by the Food-for-Peace Act of 1966. At that time our stocks of agricultural commodities were greatly reduced, and it was recognized that the program was no longer being used as a means of disposing usefully of surplus commodities but was still needed as a means of helping other countries.

Public Law 480 consists of four titles.

Title I provides for the sale of agricultural commodities for foreign currencies or on credit for dollars. Foreign currencies derived from such sales are used for economic and other aid to the host country, U.S. costs in the host country, and other purposes agreed upon by the two countries. Where sales are for dollars on long-term credit, the purchaser is able to sell the commodities and use the money received for economic development within the country pending payment to the United States.

Title II provides for donations of agricultural commodities to meet urgent relief requirements, combat malnutrition, or promote economic development.

Title III provides for barter.

Title IV contains definitions and general provisions.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to extend Public Law 480, 83d Congress, for 3 years, and for other purposes."

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, there is a nomination at the desk which was reported unanimously by the Committee on the Judiciary earlier today and which has been cleared on both sides. I ask unanimous consent that the Senate go into executive session to consider the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

The bill clerk read the nomination of William C. Keady, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. I ask that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Bernard Norwood, of New Jersey, to be a member of the U.S. Tariff Commission, which was referred to the Committee on Finance.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT JOHNSON ASKS NATION TO JOIN TOGETHER IN UNITED PURPOSE BEFORE NAB IN CHICAGO

Mr. SMATHERS. Mr. President, President Johnson asked the National Association of Broadcasters in Chicago to help him promote unity in America during a time of challenge.

America faces deep divisions over problems at home and over the war in Vietnam. We are daily told of the cleavage between rich and poor, black and white, hawk and dove.

But the problems we face as a nation are too complex, the challenges too great, the issues too important, for America to face them with a house divided.

President Johnson reminded the National Association of Broadcasters that they must use their enormous power to help this Nation face the challenges of the decade united. As the President told them:

> Where there is great power, there must also be a great responsibility. This is true for broadcasters just as it is true for Presidents.

The mass media—which have the potential to tie our Nation together—must show the works of progress as well as the problems, stress our basic unity of purpose as well as the partisan divisions, explain our accomplishments as well as our challenges.

President Johnson has made the supreme sacrifice to end divisiveness at home by taking the office of President out of the political arena.

The broadcasting industry and the people of America must make an equally great effort to heal the wounds in our body politic.

On our efforts—and our success—rests the future well-being of our country.

I ask unanimous consent that the President's speech to the National Association of Broadcasters in Chicago be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT BEFORE THE NATIONAL ASSOCIATION OF BROADCASTERS, CHICAGO, ILL., APRIL 1, 1968

Mayor Daley, Mr. Wasilewski, ladies and gentlemen:

Some of you might have thought from what I said last night that I had been taking elocution lessons from Lowell Thomas. One of my aides said this morning: "Things are really getting confused around Washington, Mr. President."

I said, "How is that?"

He said, "It looks to me like you are going to the wrong convention in Chicago."

I said, "Well, what you all forgot was that it is April Fool."

Once again we are entering the period of national festivity which Henry Adams called "the dance of democracy." At its best, that can be a time of debate and enlightenment. At its worst, it can be a period of frenzy. But always it is a time when emotion threatens to substitute for reason. Yet the basic hope of a democracy is that somehow—amid all the frenzy and all the emotion—in the end, reason will prevail. Reason just must prevail . . . if democracy itself is to survive.

As I said last evening, there are very deep and emotional divisions in this land that we love today—domestic divisions, divisions over the war in Vietnam. With all of my heart, I just wish this were not so. My entire career in public life—some 37 years of it—has been devoted to the art of finding an area of agreement because generally speaking, I have observed that there are so many more things to unite us Americans than there are to divide us.

But somehow or other, we have a facility sometimes of emphasizing the divisions and the things that divide us instead of discussing the things that unite us. Sometimes I have been called a seeker of "concensus", more often that has been criticism of my actions instead of praise of them. But I have never denied it. Because to heal and to build support, to hold people together, is something I think is worthy and I believe it is a noble task. It is certainly a challenge for all history in this land and this world where there is restlessness and uncertainty and danger. In my region of the country where I have spent my life, where brother was once divided against brother, my heritage has burned this lesson and it has burned it deep in my memory.

Yet along the way I learned somewhere that no leader can pursue public tranquility as his first and only goal. For a President to buy public popularity at the sacrifice of his better judgment is too dear a price to pay. This nation cannot afford such a price, and this nation cannot long afford such a leader.

So, the things that divide our country this morning will be discussed throughout the land. I am certain that the very great majority of informed Americans will act, as they have always acted, to do what is best for their country and what serves the national interest.

But the real problem of informing the people is still with us. I think I can speak with some authority about the problem of communication. I understand, far better than some of my severe and perhaps intolerant critics would admit, my own shortcomings as a communicator.

How does a public leader find just the right word or the right way to say no more or no less than he means to say—bearing in mind that anything he says may topple governments and may involve the lives of innocent men?

How does that leader speak the right phrase, in the right way, under the right conditions, to suit the accuracies and contingencies of the moment when he is discussing questions of policy, so that he does not stir a thousand misinterpretations and leave the wrong connotation or impression?

How does he reach the immediate audience and how does he communicate with the millions of others who are out there listening from afar?

The President, who must call his people to meet their responsibilities as citizens in a hard and enduring war, often ponders these questions and searches for the right course.

You men and women—who are masters of the broadcast media—surely must know what I am talking about. It was a long time ago when a President once said: "The printing press is the most powerful weapon with which man has ever armed himself." In our age, the electronic media has added immeasurably to man's power. You have within your hands the means to make our nation as intimate and informed as a New England town meeting.

Yet the use of broadcasting has not cleared away all of the problems that we still have of communications. In some ways, I think, sometimes it has complicated them. Because it tends to put the leader in a time capsule: It requires him often to abbreviate what he has to say. Too often it may catch a random phrase from his rather lengthy discourse and project it as the whole story.

Mayor Daley, I wonder how many men in public life have watched themselves on a TV newscast and then been tempted to exclaim: "Can that really be me?"

There is no denying it: you of the broadcast industry have enormous power in your hands. You have the power to clarify and you have the power to confuse. Men in public life cannot remotely rival your opportunity—day after day, night after night, hour after hour and the half hour, sometimes—you shape the nation's dialogue.

The words that you choose, hopefully, always accurate and hopefully always choice, are the words that are carried out for all of the people to hear.

The commentary that you provide can give the real meaning to the issues of the day or it can distort them beyond all meaning. By your standards of what is news, you can cultivate wisdom—or you can nurture misguided passion.

Your commentary carries an added element of uncertainty. Unlike the printed media, television writes on the wind. There is no accumulated record which the historian can examine later with a 20–20 vision of hindsight, asking these questions: "How fair was he tonight? How impartial was he today? How honest was he all along?"

Well, I hope the National Association of Broadcasters, with whom I have had a pleasant association for many years, will point the way to all of us in developing this kind of a report because history is going to be asking very hard questions about our times and the period through which we are passing.

I think that we all owe it to history to complete the record.

But I did not come here this morning to sermonize. In matters of fairness and judgment, no law or no set of regulations and no words of mine can improve you or dictate your daily responsibility.

All I mean to do, and what I am trying to do, is to remind you where there is great power, there must also be a great responsibility. This is true for broadcasters just as it is true for Presidents—and seekers for the Presidency.

What we say and what we do now will shape the kind of a world that we pass along to our children and our grandchildren. I keep this thought constantly in my mind during the long days and somewhat longer nights when crisis comes at home and abroad.

I took a little of your prime time last night. I would not have done that except for a very prime purpose.

I reported on the prospects for peace in Vietnam. I announced that the United States is taking a very important unilateral act of de-escalation—which could—and I fervently pray will—lead to mutual moves to reduce the level of violence and de-escalate the war.

As I said in my office last evening, waiting to speak, I thought of the many times each week when television brings the war into the American home.

No one can say exactly what effect those vivid scenes have on American opinion. Historians must only guess at the effect that television would have had during earlier conflicts on the future of this nation—

During the Korean War, for example, at that time when our forces were pushed back there to Pusan;

Or World War II, the Battle of the Bulge, or when our men were slugging it out in Europe or when most of our Air Force was shot down that day in June of 1942 off Australia.

But last night television was being used to carry a different message. It was a message of peace. It occurred to me that the medium may be somewhat better suited to conveying the actions of conflict than to dramatizing the words that the leaders use in trying and hoping to end the conflict.

Certainly, it is more "dramatic" to show policemen and rioters locked in combat—than to show men trying to cooperate with one another.

The face of hatred and of bigotry comes through much more clearly—no matter what its color. The face of tolerance, I seem to find, is rarely "newsworthy."

Progress—whether it is a man being trained for a job or millions being trained or whether it is a child in Head Start learning to read or an older person of 72 in adult education or being cared for in Medicare—rarely makes the news, although more than 20 million of them are affected by it.

Perhaps this is because tolerance and progress are not dynamic events—such as riots and conflicts are events.

Peace, in the news sense, is a "condition". War is an "event".

Part of your responsibility is simply to understand the consequences of that fact—the consequences of your own acts and part of that responsibility, I think, is to try—as very best we all can—to draw the attention of our people to the real business of society in our system; finding and securing peace in the world—at home and abroad. For all that you have done and that you are doing and that you will do to this end, I thank you and I commend you.

I pray that the message of peace that I tried so hard to convey last night will be accepted in good faith by the leaders of North Vietnam.

I pray that one time soon, the evening news show will have—not another battle in the scarred hills of Vietnam—but will show men entering a room to talk about peace.

That is the event that I think the American people are urging and longing to see.

President Thieu of Vietnam and his government are now engaged in very urgent political and economic tasks which I referred to last night—and which we regard as very constructive and hopeful. We hope the Government of South Vietnam makes great progress in the days ahead.

But some time in the weeks ahead—immediately, I hope—President Thieu will be in a position to accept my invitation to visit the Unted States so he can come here and see our people too, and together we can strengthen and improve our plans to advance the days of peace.

I pray that you and that every American will take to heart my plea that we guard against divisiveness. We have won too much, we have come too far, and we have opened too many doors of opportunity, for these things now to be lost in a divided country where brother is separated from brother. For the time that is allotted me, I shall do everything in one man's power to hasten the day when the world is at peace and Americans of all races—and all creeds—of all convictions—can live together—without fear or without suspicion or without distrust—in unity, and in common purpose.

United we are strong; divided we are in great danger.

Speaking as I did to the nation last night, I was moved by the very deep convictions that I entertain by the nature of the office that is my present privilege to hold. The office of the Presidency is the only office in this land of all the people. Whatever may be the personal wishes or preferences of any man who holds it, a President of all the people can afford no thought of self.

At no time and in no way and for no reason can a President allow the integrity of or the responsibility or the freedom of the

office ever to be compromised or diluted or destroyed because when you destroy it, you destroy yourselves.

I hope and I pray that by not allowing the Presidency to be involved in divisive and deep partisanship, I shall be able to pass on to my successor a stronger office—strong enough to guard and defend all the people against all the strain that the future may bring us.

You men and women who have come here to this great progressive city of Chicago, lead by this dynamic and great public servant, Dick Daley, you yourselves are charged with a peculiar responsibility. You are yourselves trustees, legally accepted trustees and legally selected trustees of a great institution on which the freedom of our land utterly depends.

The security, the success of our country, what happens to us tomorrow—rests squarely upon the media which disseminates the truth on which the decisions of democracy are made.

An informed mind—and we get a great deal of our information from you—is the guardian genius of democracy.

So, you are the keepers of a trust. You must be just. You must guard and you must defend your media against the spirit of faction, against the works of divisiveness and bigotry, against the corrupting evils of partisanship in any guise.

For America's press, as for the American Presidency, the integrity and responsibility and the freedom, the freedom to know the truth and let the truth make us free, must never be compromised or diluted.

The defense of our media is your responsibility. Government cannot and must not and never will—as long as I have anything to do about it—intervene in that role.

But I do want to leave this thought with you as I leave you this morning: I hope that you will give this trust your closest care, acting as I know you can, to guard not only against the obvious, but to watch for the hidden.

It is sometimes unintentional. We often base instructions upon the integrity of the information upon which Americans decide. Men and women of the airways fully—as much as men and women of public service—have a public trust and if liberty is to survive and to succeed, that solemn trust must be faithfully kept. I don't want—and I don't think you want—to wake up some morning and find America changed because we slept when we should have been awake, because we remained silent when we should have spoken out, because we went along with what was popular and fashionable, and "in" rather than what was necessary or was right.

Being faithful to our trust ought to be the prime test of any public trustee in office or on the airways.

In any society, all of the students of history know that a time of division is a time of danger. In these times now we must never forget that eternal vigilance is the price of liberty.

Thank you for wanting me to come.

RECLAMATION REPAYMENT

Mr. JACKSON. Mr. President, the Bureau of Reclamation has recently completed a summary of the repayment which has been made to the United States by the beneficiaries of the Bureau's water resource projects. The summary shows that by the end of fiscal year 1967, nearly a billion dollars had been repaid out of a total Federal investment of $5.5 billion since the program began in the early years of this century.

Because many of the largest reclamation projects are still under construction or have only recently been completed, the rate of repayment will increase rapidly in the years to come. Ultimately, out of the total program of $9 billion authorized to date, almost $8 billion will be repaid to the Treasury by the beneficiaries. These figures, of course, represent only a fraction of the wealth produced by the program.

Reclamation's 114 projects or units in the 17 Western States now irrigate 8 million acres of farmlands producing more than 150 different crops. The gross value of crops produced on these lands has topped a billion dollars a year for the past 8 years. Since the reclamation program began in 1903, approximately $25 billion worth of crops have been grown on lands irrigated by reclamation projects.

When a million dollars is spent building a reclamation project, some 65 man-years of employment are created at the construction site, and at least another 65 man-years of employment throughout the country where the material and equipment are manufactured. For each dollar spent at construction sites, another dollar goes to purchase those materials.

More than 3,000 water service and repayment contracts are in force totaling about $2.5 billion. Hydroelectric revenues from reclamation projects exceeded $112 million last year alone.

Mr. President, I ask unanimous consent that the information release of the Department of the Interior outlining the repayment summary be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

RECLAMATION REPAYMENTS NEAR $1 BILLION MARK

The Department of the Interior reported today that total repayments from Bureau of Reclamation water resource developments had reached nearly one billion dollars by the end of fiscal year 1967. The Department said the repayments came from beneficiaries of Reclamation projects representing expenditures of about $5.5 billion in plant, property, equipment, and corollary costs.

Commissioner of Reclamation Floyd E. Dominy expressed his satisfatcion at the growing rate of returns from Reclamation developments throughout the 17 Western States. "We are rapidly approaching the point where we will have received a dollar back for every five dollars spent on construction," Commissioner Dominy said. "And of course, that's just a beginning. Many of our biggest and most expensive projects are still under construction or in the early development stages, and have returned little or nothing as yet to the Federal treasury. In spite of this, the overall picture shows a steadily rising rate of return from the investment in all Reclamation projects. Eventually, from our total authorized construction program of $9 billion, just a shade under $8 billion will be returned to the Federal government by project beneficiaries."

Figures on actual construction costs of Reclamation projects over the last decade as compared to the amounts repaid by project beneficiaries are shown in the following table:

Fiscal year	Actual cost to date	Repaid	Percent of repayment
1957	$2,962,170,706	$355,514,171	12
1960	3,493,409,822	441,964,777	13
1964	4,725,303,711	671,832,593	14
1967	5,502,264,607	931,643,953	17

"These figures clearly show the rising rate of return on the Federal investment in the Reclamation program," Commissioner Dominy said. "Over the years the returns will continue to rise until 89 percent of our authorized construction costs have been returned to the Federal treasury."

"I want to point out that these figures reflect only direct cash returns," Commissioner Dominy said. "They represent only a small fraction of the actual value of the Reclamation program. When you consider such factors as the value of crops grown on lands irrigated by Reclamation projects, the phenomenal municipal and industrial growth made possible by Reclamation water supplies, and tax returns from Reclamation areas—when you consider all those indirect returns it is obvious that Bureau of Reclamation water resource developments create wealth many times over the Federal investment in the program."

COOPERATIVES FORGE PROUD RECORD IN WISCONSIN

Mr. PROXMIRE. Mr. President, dairying and cooperatives both are immensely important to Wisconsin and its agricultural industry. A recent report from the Farmer Cooperative Service, U.S. Department of Agriculture, spotlights again in the importance of both to my State.

This release shows Wisconsin to be No. 1 among dairy cooperatives in all States with its $507 million annual business.

The same set of statistics shows Wisconsin ranks second in another category, number of cooperatives, with 1,541 headquartered in the State. In addition, other regional cooperatives also have local members in Wisconsin.

The volume of business for dairy cooperatives for the latest annual report for 1965–66 was up 37 percent over a decade earlier. The total for all cooperatives in the State was over $808 million, up 50 percent over 10 years earlier.

Cooperatives have been closely interwoven with farming for nearly a half century in the State, although some trial and error attempts at cooperatives go back more than a century.

Farmers in Illinois and Wisconsin organized buying clubs to purchase production supplies as long ago as the 1850's. And in 1857 Wisconsin farmers formed the Dane County Farmers' Protective Union and built a grain elevator in Madison. This is one of the earliest formally organized co-ops on record in this country.

Coming down to recent times, Wisconsin has more than pioneering in which to take pride. Its cheese is world famous. And here again cooperatives can take their share of acclaim for turning out quality products known far and wide. As one example, Lake to Lake Dairy Cooperative, Manitowoc, Wis., in the early 1960's received the first authorization from the U.S. Department of Agriculture to label consumer packages of cheddar cheese with the U.S. grade AA shield.

Another Wisconsin dairy cooperative, Turtle Lake Cooperative Creamery Association, also received the very first authorization from the Department of Agriculture to label its dried skim milk as strictly grade A quality.

Just recently three Wisconsin cooperatives showed they were in tune with the computer age by joining together to own

and operate a large computer in their new Cooperative Service Center at Baraboo. The three co-ops are Equity Cooperative Livestock Sales Association, Tri-State Breeders Cooperative; and Wisconsin Dairies Cooperative.

R. G. Hvam, general manager of Equity and president of the nine-man board representing all three co-ops in the service center, reports on this combined operation in an article in Farmer Cooperative Service's monthly magazine, News for Farmer Cooperatives. He says the center helps these organizations implement and improve many organizational and managerial services that each formerly had to maintain separately—and with better service at lower cost to members.

The center keeps books and maintains records for each of the three members. The computer will process about $60 million worth of their business annually. The livestock auctions and main office of Equity use the computer to maintain sales records, monthly operating reports, and other records. Tri-State uses it to keep sire records and technician's efficiency ratings, among other services. And Wisconsin Dairies gets its inventories, producer milk delivery records, cost analyses, and other needed operating information processed there.

The three cooperatives also work together in the center with joint storage, group orders for many items, and are planning joint mailing and duplicating a little later. They are also jointly housed in the Center.

The annual statistics of the Farmer Cooperative Service for the State show total cooperative marketing business of $647,497,000 and total purchasing cooperative business of $152,611,000, done with cooperatives headquartered in Wisconsin. Fruit and vegetable products amounted to $25,680,000; poultry products amounted to $22,397,000; and grain, $5,387,000. Feed business amounted to $45,808,000; seed, $4,626,000, and building materials, $3,716,000.

The report also shows Wisconsin with cooperative memberships of 389,170. Since members often belong to more than one cooperative, this figure represents some duplication.

But it again shows the high proportion of the State's farmers who are using the self-help principle so deeply imbedded in cooperatives to improve their incomes and their farming operations.

I would be remiss if I did not acknowledge the fine work of the Wisconsin State Department of Agriculture and the University of Wisconsin in their long and effective support of farmer cooperatives in the State. Their teamwork with farmers in building their own business enterprises is a fine accomplishment and is to be commended.

EDITORIAL OPINION OF SPEECH BY PRESIDENT JOHNSON

Mr. McGEE. Mr. President, it seems to me to be inconceivable that anyone could take issue with President Johnson's gesture for peace in Vietnam. But, sadly, it seems they have, though indications are at hand today that the critics may have spoken too soon.

We have already heard some criticism that the President did not go far enough in his announced bombing halt. I am led to believe that these critics would want the President to utterly disregard the welfare and safety of American troops now in the demilitarized zone.

The President made it clear Sunday evening that this bombing halt would include more than 90 percent of North Vietnam, with the exception of those areas known to be used by the North Vietnamese to resupply their forces around Khe Sanh and other strategic areas in the DMZ.

This is a responsible posture. Certainly, no one should expect the United States to greatly endanger the lives of their own forces in order to prove our sincerity. I think we have amply proved sincerity in this matter.

The record will show that it was the United States that unilaterally deescalated without word from Hanoi that such a move would be matched by the North Vietnamese. We have taken the initiative toward peace in a most dramatic and meaningful way. And today, of course, we have seen a response. I am not in a position now to assess its total significance, but it is a response—the most concrete response from Hanoi to date of an affirmative nature.

I completely reject the views of those who now say that President Johnson did not go far enough. For it seems to me he did far more Sunday evening than any world leader has ever done to prove his desire for peace. I note, Mr. President, that the American press agrees. I ask unanimous consent to have printed in the RECORD a sampling of editorial opinion concerning the President's address Sunday night.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Apr. 2, 1968]

A WIDE-RANGING BID FOR PEACE

President Johnson's new moves for peace in Vietnam, announced in his television address Sunday night, constitute the most comprehensive effort he has yet made to end the war on honorable terms.

It is a many-sided peace package, encompassing some proposals made previously, and combining them with fresh initiative to de-escalate the fighting and bring the Communists to a conference table.

A dramatic step in this direction was taken by the President, unilaterally, in his order for an immediate cessation of bombing missions to all parts of North Vietnam except areas adjacent to the Demilitarized Zone—where enemy activity is a direct threat to American and Allied forces across the border in South Vietnam.

Additionally, Mr. Johnson issued public appeals to Great Britain and the Soviet Union—in their capacities as co-chairmen of the Geneva conferences of 1954 and 1962 dealing with Southeast Asian problems—to make renewed peace efforts. He designated two of America's most distinguished diplomats, Averell Harriman and Llewellyn Thompson, to serve as his personal representatives to make arrangements for peace talks at Geneva or anywhere else that the Red regime in Hanoi considers a suitable location.

In planning to call up some reserve units, and to send approximately 13,500 additional American troops to Vietnam, while the South Vietnamese Government intensifies its own recruiting and mobilizing of military manpower, President Johnson has emphasized that he intends to negotiate peace terms from a position of strength, not weakness.

[From the New York Times, Apr. 2, 1968]

GESTURE FOR PEACE

President Johnson's suspension of virtually all bombing of North Vietnam, taken in conjunction with his announcement that he will not seek re-election, is a peace overture that Hanoi and its allies can refuse to recognize only at tragic cost to themselves and to the world.

Abandoning policies to which he has been personally and deeply committed, the President has now turned away from the futile doctrine of military escalation for victory in Vietnam and turned toward a search for a political solution in which "all the South Vietnamese"—a stipulation he emphatically repeated—will play a part, in accordance with the Geneva Accords. He has reaffirmed his Manila pledge to withdraw American forces from Vietnam as the violence subsides and repeated his Johns Hopkins promise to support a Mekong Valley development program in which the North Vietnamese could participate.

Above all, Mr. Johnson has taken the crucial first step of halting the bombing of North Vietnam as Hanoi has demanded and as many others have long urged. The importance of this gesture is not significantly diminished by the fact that bombing continues in the area just north of the demilitarized zone. It is unreasonable to expect any commander in chief to abandon vital tactical support so long as allied troops in northern outposts are subject to dangerous pressures from across the DMZ. The President indicated that when this pressure subsides, the bombing will subside also.

Hanoi and Moscow must realize that President Johnson has gone as far in this initial move toward peace as any American leader can be expected to go, now or later. Indeed, by removing himself from the political struggle, Mr. Johnson has acquired a creditability and a flexibility in negotiating that is greater than may be expected from the man who succeeds him next January, no matter who that man may be. If the President's peace initiative is rebuffed, the chances for the election of a candidate oriented toward peace next November will be diminished. The possibilities for a negotiated settlement, in short, will never be better than they are now.

[From the Baltimore Sun, Apr. 2, 1968]

VIETNAM POLICY

The high statesmanship of the President's revised policy on Vietnam has unquestionably given this country a fresh confidence in the judgment of the White House, and the feeling is reflected in reactions throughout the free world. Mr. Johnson, who had seemed to be caught in an inflexible, sterile pattern of military-diplomatic strategy that in fact became steadily more military and less diplomatic, now reveals that the reevaluation of which we have heard so much has been a genuine rethinking of the whole Vietnamese question. For all who hope for an end to war, and an honorable peace, the revelation is most welcome.

How does Hanoi see it? How does Peking? How does Moscow? Those are now the questions we need answers to. From Hanoi none seems likely at once (unless there has been some signal from Hanoi that the public is unaware of), since that is the kind of thing that needs thinking about. Nor is Peking apt to rush into any response. Moscow? Mr. Johnson appealed to Moscow directly, and named as one of his representatives in any discussions—along with Averell Harriman—our Ambassador to Russia. London also has appealed to Moscow. The leaders of the Soviet Union may have here an opportunity, if they will but seize it, to match the Presi-

dent's statesmanship with statesmanship of their own.

Meanwhile Mr. Johnson, on behalf of his country, has acted unilaterally to reduce the level of violence in the Vietnamese war. The bombing halt over most of North Vietnam differs from earlier pauses not only in its indefinite duration but in its context; in the changed atmosphere in which the decision was made. The troop reinforcement of little more than one tenth the numbers proposed by the military is a plain sign, for the American public and for the world, that the military is not in charge of the foreign policy of the United States.

As we await further developments, and watch their intricate workings-out, we can know at the very least that we have in the Presidency a man who, proud and ambitious though he is, places nation above self, and sees our affairs in a much soberer, clearer way than he has sometimes been given credit for.

[From the Philadelphia Bulletin, Apr. 1, 1968]

UNILATERALLY, AND AT ONCE

President Johnson's unilateral halt to the bombing of virtually all of North Vietnam very clearly represents a crucial test of the sincerity of Hanoi's often repeated desire for a negotiated peace.

It may, in fact, be a final test.

While Mr. Johnson characterized the halt in both air and sea attacks everywhere in North Vietnam except in the immediate area of the so-called demilitarized zone, it is more than a renewal of past offers. It is a major change in Administration policy, a massive yielding on the part of President Johnson.

There were no preconditions, no demand for a prior assurance from Hanoi that it would not take advantage of the halt to rush great numbers of men, great amounts of material to the south. Instead, Mr. Johnson said only that the United States would "assume" that the leaders of North Vietnam would not take military advantage of our "restraint."

Against the background of Mr. Johnson's dramatic announcement that he will not be a candidate for reelection, the halt in the bombing and naval activity against North Vietnam becomes a significant step by this country in the interest of world peace.

Mr. Johnson is well aware, of course, of the risk involved. This factor places, all the more, the responsibility for the next move directly upon the government of North Vietnam. If it is sincere in what it has told U Thant and the world, it will respond through a reciprocal deescalation and as Mr. Johnson asked, react favorably and positively to "reach across the battlefield toward an early peace."

There is, as Mr. Johnson took pains to point out, no assurance that Hanoi will respond favorably to this peace offer. The realities of the military situation in South Vietnam, the history of past offers, actually offer little hope in this regard.

Hanoi might well see the President's twin moves as an admission of the failure of United States policy, a surrender to antiwar sentiment at home. Hanoi, it must be remembered, feels that it agreed too quickly to the terms of the 1954 Geneva accord and that it erred in not making far more in the way of demands of France. And Ho Chi Minh's whole philosophy militates against any move toward negotiation from the position of strength he may feel is his.

Thus, Mr. Johnson was correct in letting Hanoi and the world know that the United States is not seeking an easy way out, not willing to accept a "fake solution." And he was correct, too, while listing the steps he had taken to receive any reciprocal action on the part of North Vietnam, to tell the government there that it must not miscalculate the pressures which sweep the United States in a presidential election year.

The people of the United States share Mr. Johnson's prayerful hope that the step he has taken will bring an end to the anguish that is Vietnam.

Last night was for Mr. Johnson a time of statesmanship, of nobility of purpose. On this issue of Vietnam the people can do no less than echo his determination to stand confident and vigilant in a quest for an honorable peace, but also ready to defend, whatever the burden, an honorable cause.

HOW STRONG IS THE FRANC?

Mr. SYMINGTON. Mr. President, in a recent article, Miss Sylvia Porter noted some interesting statistics about the French franc, including the fact that:

Of 45 currencies surveyed by the First National City Bank of New York to show the comparative shrinkage in their value during the most recent 10-year span, the French franc comes out way down in 31st place. (The dollar is in fourth place.)

The poor record of the franc has resulted in extensive gold hoarding by the French people and the Government. Such gold holdings add fuel to General de Gaulle's efforts to topple the dollar in effort to raise the price of gold.

As the article concludes:

None of this eases the challenge to our dollar. But it does . . . help put De Gaulle's franc where it belongs.

I ask unanimous consent that the article in question, "How Strong Is the Franc?" be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 28, 1968]

HOW STRONG IS THE FRANC?

(By Sylvia Porter)

The way French President Charles de Gaulle is continuing and actually stepping up his vicious attacks on the U.S. dollar in Stockholm today, you easily might conclude that he is leading from the strength of a powerful currency backed by a history of stable prices. He isn't, and below you'll find the facts to document this.

De Gaulle is obviously infuriated by the fact that the Free World's leading financial powers have reached agreement, without France, that in order to preserve the international monetary system, the dollar must be kept convertible into gold at the pledged price of $35 an ounce.

He is trying to start a new stampede into gold which will send the price of the metal soaring in the free markets and thereby reward the speculators and hoarders (notably the French Government and French peasants) who have dumped dollars and loaded up on gold.

Let's not delude ourselves for an instant that the dollar is out of danger. It will sink into even greater peril if the United States doesn't use the time bought by the nation's agreement to slash the deficits in our domestic budget and in our balance of payments.

But this brutal reality doesn't make the French franc superior. De Gaulle's arrogance does not give truth to his exaggerated claims for the franc. To be specific:

The French franc's record: France has the worst record of any major industrial nation over the last 10 years on controlling living costs and thereby limiting erosion in the buying power of her money. Of 45 currencies surveyed by the First National City Bank of New York to show the comparative shrinkage in their value during the most recent 10-year span, the French franc comes out way down in 31st place.

The annual rate of depreciation in the franc from 1956 to 1967 was 4.7 percent. No other major currency had a depreciation as severe as that of the French franc.

In contrast, the First National City Bank survey shows the dollar in fourth place with an anual rate of depreciation over the 10 years of 1.8 percent. The United States is behind only Guatemala, Venezuela and Honduras, scarcely financial-industrial powers in the same category as the United States.

Admittedly, our record is now deteriorating and that's basic to our problem. But the franc's record still remains dreadful.

The devaluation history: The 20th century record of the franc has been hideous. Since 1910, the currency has lost 99 percent of its value in terms of the U.S. dollar.

In 1910, the franc was worth 20 U.S. cents; in 1920, it was down to 9c; in 1930, to 4c; in 1940, to 2c; in 1950, to 3/10 of a U.S. cent; and by 1960, it had shriveled to 2/10c.

In 1960, France ordered 100 old francs to be turned in for one new franc, thereby erasing a couple of zeros and making the franc that was worth 2/10 of a cent worth 20c. That made the currency appear "harder" and France's record since 1960 has been without blemish but that doesn't alter the history.

Again in contrast, the U.S. dollar has been devalued only once in our 179-year history. That took place in 1934 when the United States raised the price of gold from $20.67 an ounce to $35, equivalent to a 41 percent devaluation. That was 34 years ago.

France's gold record: Because of the franc's awful history, the French people and the French government have been traditionally hoarders of gold. France never has used her gold as we have, and England has, to develop world trade, promote the prosperity of nations. Instead, De Gaulle has taken the dollars France has accumulated and turned them in for our gold; since 1958, he has built France's gold hoard from next to nothing to over $5¼ billion.

Of course, a reason France is trying to topple the dollar is the profit his government and the French people would make if the gold price soared. This goal ranks second only to De Gaulle's eagerness to see the downfall of the United States and the destruction of all who have trusted the U.S. dollar.

None of this eases the challenge to our dollar. But it does, I trust, help put De Gaulle's franc where it belongs.

THE MILWAUKEE JOURNAL ON SLUM LANDLORDS

Mr. PROXMIRE. Mr. President, I would like to take this opportunity to congratulate the Milwaukee Journal for one of the most perceptive and penetrating series of articles on slum landlords. The Journal assigned two crack reporters, Chris Lecos and Richard C. Vonier, to the task. They spent 6 months checking records on almost 36,000 pieces of slum property in Milwaukee. To quote from the article:

The records showed not only present ownership, but the history of each property, including past owners, financing arrangements, sale dates and, many times, sale prices. This provided a comprehensive picture of how thousands of homes flowed through the hands of a myriad of real estate firms, investors and individual buyers.

At the city health department, the reporters checked records of housing code violations and orders against rats, roaches and unsanitary garbage conditions in the core.

Thousands of records and case histories of specific addresses, some dating back 10 years or more to provide a picture of frequency of code violations against many properties, were examined.

A check of the county court's handling

of every housing violation case since 1963 followed.

Records at the secretary of state's office in Madison were used to obtain the identities of officers and board members of about 250 corporations that owned core property and lending agencies, partly to learn the connections between individuals.

All this was done just for this series of articles.

Although I plan to comment later on specific things they found, let me now just mention a few key findings.

They found that many of the slum properties were owned by a few individuals whose characteristics were described by one of the few as taking "knowledge, experience and a cast iron stomach." Another large slumowner described her many experiences in court on housing code violations by saying "When I go to court, I see all my cronies."

Obviously, many of the slumlords are transferring slum properties among themselves and, I would bet, are gaining great tax advantages by so doing. Secondly, the penalties meted out by the courts are not an effected deterrent. Even though the number of cases involving housing code violations which reach the courts are increasing and even though the penalties imposed by the courts are growing more severe, all too many properties still do not live up to the minimal standards prescribed by the Milwaukee housing code.

I think this clearly points to the need to pass my bill, S. 3234, which would disallow the depreciation deduction to landlords who have been convicted of violating the housing code. This would be a much greater inducement to landlords to maintain their properties than the penalties which can now be applied to them. This bill would also strike at those most capable of maintaining the property—the large professional landlord, the landlord who owns large numbers of slum properties as an investment. This is the individual who has the most to gain from the depreciation deduction and, under my bill, the most to lose unless he maintains his property.

JOHNSON STEPDOWN IS IN INTEREST OF NATIONAL UNITY AND PEACE

Mr. DODD. Mr. President, I know that all of us were deeply moved by President Johnson's announcement that he would not seek or accept the nomination of the Democratic Farty for a second term as President of the United States.

However much some of us may regret the President's decision, it was clearly prompted by patriotic motivation—a motivation unalloyed by any consideration of self.

The President has pursued a course in Vietnam which he is profoundly convinced is right. He has pursued this course in the face of mounting criticism at home and abroad, and in the face of frequently cruel and unjust abuse.

The abuse President Johnson could take. But what disturbed him most was the growing acerbity of the division within the Nation on the question of Vietnam. Nor could he derive much comfort from the fact that President Lincoln himself during the Civil War passed through a similar ordeal of abuse and lack of confidence and divisiveness.

Placing the unity of the Nation and the quest for peace above every other consideration, President Johnson has decided to make the supreme political sacrifice and step down at the close of his term.

I, for one, regret the President's decision. History will, I am certain, accord his administration very high marks. And I cannot help reflecting that the major source of the national disunity for which the President apparently now blames himself, is not so much the President as some of the more unrestrained critics of our Vietnam policy. In any case, the critics have now placed themselves in a position where they cannot escape responsibility for the future course of events.

Let us hope that the President's decision will help to bring about that greater unity of national purpose which eluded him.

Let us hope that his moving appeal to Ho Chi Minh will finally penetrate the hard crust of Communist obduracy and pave the way to a just settlement of the Vietnam conflict.

Let us hope for the best.

I think we need more information, however, before a clear assessment can be made of the significance of the statement put out by Hanoi this morning, in which it offered to discuss "the unconditional cessation of bombing and all other war acts against the North Vietnamese," but indicated no willingness to discuss the cessation of acts of war directed against the people of South Vietnam and the allied forces in South Vietnam.

Let us at least hope that Hanoi will move one step further and agree to make the discussions two-sided, because only such discussions can truly serve the cause of peace.

RETIREMENT OF MILTON RONSHEIM, EDITOR OF CADIZ, OHIO, REPUBLICAN

Mr. LAUSCHE. Mr. President, it is with regret that I have learned that my good friend, Mr. Milton Ronsheim, editor of the Cadiz Republican, a weekly newspaper published at Cadiz, Ohio, is about to retire from the active field of journalism. I further regret that my heavy schedule will not permit me to attend a testimonial dinner that will be held in his honor Wednesday evening, May 10, and that I, therefore, will be denied an opportunity to greet him personally and wish him well.

I became acquainted with Mr. Ronsheim in 1944, when I was visiting Harrison County in my campaign for Governor of Ohio. I found him to be an honest, courageous, and successful newspaper editor, highly respected by all. He confided in me his deep concern for the economic future of Harrison County because of the thousands of acres of rich farmland that were being ravaged by the strip mining of coal. He is a true conservationist, and I shall never forget the valuable assistance he gave me in my long fight to enact a law requiring strip miners to restore the ugly spoil banks left by their operations.

I say to you, Milt: I have long cherished your friendship. You have been an honest and fair newspaperman and a credit to your profession and your community. Best wishes for good health and happiness in your retirement.

AREAWIDE PLANNING

Mr. PEARSON. Mr. President, all local units of government are hard pressed to provide the financial support for needed public facilities. But the difficulty of providing public services of high quality as well as the total cost of those services is often considerably increased because of the fragmented nature of our local government structure—there are usually at least a dozen or more governmental units in a given metropolitan area and surrounding rural areas. Because of the separate, independent identity of each of these units there is oftentimes an unnecessary duplication of public facilities in a given area.

Experience has shown that many of these problems can be overcome by areawide comprehensive planning. Effective planning can result in better service to more people throughout the area and also reduce total costs because of the "economy of scale" principle.

When several localities join to provide needed public facilities—be it a library, a sewer system, or a hospital—they can do it more efficiently and at a lower cost. The resultant economies benefit each participating jurisdiction.

When economies are achieved, more scarce local money is released for the achievement of other community objectives.

The encouragement of comprehensive, areawide planning is not only economical; in the case of public facilities, it often results in better service—the difference between mediocrity and excellence in community life.

Local planning and local initiative is a prime goal if we are to achieve the kind of healthy, orderly growth that is the basis of national progress. The major responsibility for areawide planning rests with the local governments themselves. But particularly because the Federal Government provides considerable grant-in-aid assistance to individual local governments for the development of public facilities, it is proper that the Federal Government also take steps to encourage the local units to develop areawide planning programs.

PHILADELPHIA INQUIRER DECRIES AMERICAN ARMS CONTRACT WITH JORDAN

Mr. PROXMIRE. Mr. President, a recent editorial in the Philadelphia Inquirer raises serious and pertinent questions regarding this country's decision to provide military arms to Jordan. The editorial points out that we are on record in support of the U.N. cease-fire resolution calling for an end to the hostilities between Israel and her Arab neighbors, yet our decision to provide arms to Jordan may actually exacerbate tensions in the area. For these arms, if they are used at all, will be used against Israel.

In effect we are simply following in the footsteps of the Russians who are rearming Egypt for another Mideast confrontation. Far from contributing to peace in this volatile area we are fanning the flames of another conflagration by providing Jordan with hardware that can only be used to tear down what we together with many of our friends in the United Nations are attempting to build up.

I ask unanimous consent that the Inquirer editorial be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.S. ARMS FOR JORDAN

The signing by the U.S. State Department of a new arms contract with Jordan has not come at the most propitious time—in the midst of a fresh eruption of hostilities between Jordan and Israel.

The U.S. is on record in favor of a cease-fire resolution in the United Nations Security Council, which was intended to bring to an end the warfare that broke out last June and resulted in quick Arab defeat. The U.S. joined other Security Council members last week in condemning Israel for its reprisal raid against guerrilla bases in Jordan, and in deploring all violations of the cease-fire.

Yet the Administration apparently sees no incongruity in furnishing Jordan with the arms and the planes which it may use in continued violation of the cease-fire order. It has to be a very naive person indeed who would think that the dozen or more F-104 jets, the 100 tanks and the other arms furnished Jordan in the latest State Department deal will be employed against any target except Israel.

Soviet Russia is in the process of replacing for Nasser all the planes, tanks and guns lost by the Egyptians in the rout of last June. Is it Administration policy in Washington to have the U.S. join in a race with the Soviets to arm the Arabs for still another try at destroying Israel? The West Bank of the Jordan, and now the East Bank, too, are littered with the debris of Jordanian tanks and armored cars wrecked in the exchange of gunfire with the Israelis. Those tanks and cars were American-made. Are we to go on replenishing the Arab arsenal for further war on Israel?

GENERAL ELECTRIC AND MILWAUKEE

Mr. NELSON. Mr. President, the 1967 annual report of the General Electric Co., is more than a statement of earnings. It tells the reader more than just statistics, that GE's sales and earnings reached a new high in 1967, and that there was a 7-percent rise in earnings.

Mr. J. W. Nelson, Jr., general manager of the General Electric Co., in Milwaukee accurately described this report when he said:

All of us are interested . . . in improving the quality of life in our community and each of us is working in his own way to make a contribution toward that end. The enclosed 1967 Annual Report tells the story of more than 300,000 General Electric men and women—2,500 of them in Milwaukee—who in addition to personal and private action are engaged in producing goods and services to help solve human problems in cities and communities across the nation.

From the heartbeat of a small boy made possible by his Pacemaker made here in Milwaukee to the electric heartbeat of a mighty city supplied by an atomic power generation plant at Dresden, Illinois, General Electric apparatus and equipment serves the public. New ventures, such as information and communications systems for use in traffic control, education, medical surveillance and police work, speed communications in today's fast-paced world. GE rapid transit equipment helps people solve the problem of congested streets in heavily populated urban centers. Our homes have been made more comfortable through the use of many familiar GE products.

Milwaukee as well as all of Wisconsin is proud of the remarkable record achieved by General Electric. I have carefully looked at this annual report and highly recommend it to Senators. I would willingly supply copies to any Senator who would like to read the report.

RATIFICATION OF HUMAN RIGHTS CONVENTIONS WILL MOVE NATION ALONG LOGICAL STEPS TOWARD FREEDOM FOR ALL

Mr. PROXMIRE. Mr. President, our country is always manifesting its concern for the rights of man and our Declaration of Independence, penned 192 years ago, proclaimed that "all men are created equal, that they are endowed by their Creator with certain unalienable rights."

This Declaration was written by its authors for all men, not just in this country, but for men everywhere.

It was the 16th President, Abraham Lincoln, who stated that the Declaration gave liberty "not alone to the people of this country but the hope for all the world for all future time."

This did not mean, President Lincoln ventured, that the United States would attempt to bend other nations to its will.

It is my belief that in the handling of our policy with other nations we ought to be completely faithful to these great traditions embodied in the Declaration of Independence.

Our adherence to the ideals of liberty and equality on an international scale, I feel, is not an insubstantial factor in the affairs of the world.

The Senate ratification of the Human Rights Conventions on Forced Labor, Genocide, Freedom of Association, and the Political Rights of Women would be a logical endorsement of our Constitution and the Declaration.

These conventions are concerned with human life and rights and dignity.

It is time we face up to our responsibility and provide the support for these conventions for the continuing honor of our Nation and for its great destiny.

VIEWS OF ACTING SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON REPORT ON CIVIL DISORDERS

Mr. HARRIS. Mr. President, on March 26, in a front-page story, the Washington Post reported that the Acting Secretary of Health, Education, and Welfare, Mr. Wilbur J. Cohen, had criticized the report of the President's National Advisory Commission on Civil Disorders during a press conference the previous day. The statements Acting Secretary Cohen was reported to have made seemed to me and to others to constitute a very serious undercutting of several of the most basic conclusions of that report. His reported remarks appeared all the more distressing in view of the fact that his Department itself administers a very large share of precisely those programs we must expand and redirect if we are to relieve the human suffering which fuels urban disorders.

I am very happy to report that Acting Secretary Cohen has twice urged me in private notes since that story appeared to set aside any doubts I may have had about the accounts of his press conference.

More important, he has also sent me copies of two speeches he made in recent days which express his general support for the Commission's report. For example, in a speech he made at Ann Arbor, Mich., last Friday, he said:

The National Advisory Commission on Civil Disorders recently reported that: "Our nation is moving toward two societies, one black, one white—separate and unequal. Reaction to last summer's disorders has quickened the movement and deepened the division." The Commission believes and I believe that this movement can be reversed if we continue to strengthen our commitment to human resources. There are many good recommendations in the Commission's Report which must be implemented.

An even stronger expression of support was voiced by Acting Secretary Cohen in a speech he made yesterday at American University. This address, which was accurately reported in a Washington Post story this morning, asserted that:

We need . . . to reverse the tide of cynicism and alienation and hostility.

This tide has founded its most tragic expression in the violence and destruction in the ghettos of American cities. The harsh and brutal facts of these disorders were comprehensively described and analyzed in the Report of the National Advisory Commission on Civil Disorders.

The Commission made a 500 page study of what happened during the riots, what caused them, and what can be done to prevent them in the future. Their Report is a valuable contribution to our thinking. It should be read and thoughtfully considered by everyone.

The Report pointed out that we are a Nation deeply divided. It put forward one blunt, troubling conclusion: "Our Nation is moving today toward two societies, one black, one white—separate but unequal."

The Report declared that racism exists in this country. It is at the root of discrimination and prejudice. Racism, of whatever form, must be eliminated before we can truly have an open and just society.

Mr. President, I ask unanimous consent that the two notes from Acting Secretary Cohen and a part of the first speech and the entire text of the second speech I have cited be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 28, 1967.

Hon. FRED HARRIS,
U.S. Senate,
Washington, D.C.

DEAR FRED: The newspaper stories on my views on the Civil Disorders Report are grossly misleading as to my views and do not truly reflect my recommendations on implementing the Report.

I am speaking on Friday in Ann Arbor and I enclose my speech which contains a statement as to my views on pages 7 and 8.

Sincerely yours,

WILBUR J. COHEN,
Acting Secretary.

EXCERPTS FROM "THE WORLD OF 1976" BY WILBUR J. COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

(Presented at the Honors Convocation, University of Michigan, Ann Arbor, Mich., Mar. 29, 1968)

CHALLENGES

This Nation can no longer afford the luxuries of non-involvement, escapism, and apathy on the part of any generation. There are grave difficulties which must be grappled with honestly and immediately.

There are deep divisions in our society—between the rich and the poor, the young and the old, and black and white.

The National Advisory Commission on Civil Disorders recently reported that: "Our nation is moving toward two societies, one black, one white—separate and unequal. Reaction to last summer's disorders has quickened the movement and deepened the division." The Commission believes and I believe that this movement can be reversed if we continue to strengthen our commitment to human resources. There are many good recommendations in the Commission's Report which must be implemented.

We must all make an effort to understand the other fellow's world and help break down the barriers of fear, misunderstanding, anger and despair. We must get at the root causes of the alienation and divisiveness in our society. We must eliminate any and all kinds of racism.

Learning about the worlds other than your own is part of your continuing education and part of your responsibility as an educated and involved citizen.

If you are white, try to understand how it feels to live and react like a Negro, or a Puerto Rican or a Mexican American. Spend some time in a ghetto or in a barrio.

If you are a scientist, spend some time understanding the business world.

If you plan on entering business, learn about the world of government. Spend some time in public service.

If you are going to make a career of public service, find out what the businessman and the taxpayer think is important.

Through the increased understanding and knowledge that you gain you will both be better able and more willing to attack the many problems that must become your responsibility.

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE.

To: Hon. Fred Harris.

From: Wilbur J. Cohen, Acting Secretary.

My views on the Civil Disorders Report were not accurately nor fully reported in the papers. My attached speech therefore may be of interest to you.

INDIVIDUAL AND CORPORATE RESPONSIBILITY IN TODAY'S WORLD*

(By Wilbur J. Cohen, Secretary of Health, Education, and Welfare)

I welcome the opportunity to participate in your conference. These conferences are useful to us in government. They help to clarify issues, to identify problems, to discuss differences and to find solutions. Conferences such as these help to minimize frictions and frustrations, to find ways of working together harmoniously.

The problems before us today are so huge and so complex that they demand the thoughtful attention of all groups. No one sector can provide the solutions—not government alone, nor business, nor labor, nor the professions. All of us are affected. All of us must be involved.

I am encouraged by the initial response of the business community to the complex social issues facing our Nation today. Many business leaders have shown a keen insight into the problems and a deep concern for community efforts to break through the barriers of paralysis and despair. They are coming up with new ideas—new ideas to create job opportunities, to reduce the blight of our cities, to help people who are entrapped by poverty, racial discrimination, and slum living.

We need these ideas to reverse the tide of cynicism and alienation and hostility.

This tide has found its most tragic expression in the violence and destruction in the ghettos of American cities. The harsh and brutal facts of these disorders were comprehensively described and analyzed in the Report of the National Advisory Commission on Civil Disorders.

The Commission made a 500 page study of what happened during the riots, what caused them, and what can be done to prevent them in the future. Their Report is a valuable contribution to our thinking. It should be read and thoughtfully considered by everyone.

The Report pointed out that we are a Nation deeply divided. It put forward one blunt, troubling conclusion: "Our Nation is moving today toward two societies, one black, one white—separate but unequal."

The Report declared that racism exists in this country. It is at the root of discrimination and prejudice. Racism, of whatever form, must be eliminated before we can truly have an open and just society.

But other obstacles must also be removed before our society can be all that we want it to be. Some of these are indifference, apathy, fear, misunderstanding, and above all, ignorance. Racism itself is the compound of several of these components. It is found in the black as well as the white community and serves to separate one from the other.

The trend toward separatism can be reversed if a national commitment to action is made, backed by every available resource and a new will of the American people.

This is the meaning of the Commission Report. It reaffirms our national goals and ideals at a time when our greatest single task is to heal the divisions in our society.

For some time now people in and outside of government have been engaged in the difficult and infinitely complex task of getting at the causes of poverty and discrimination. Programs and projects have been started which involve long-range and long-term commitments, where results are not immediately apparent. We are preparing tomorrow's generation with our current massive investment in education. A good start has been made. And the Commission Report provides a new focus and a new urgency for all of our efforts in fields relating to human well-being.

That is why I believe it is important that immediate efforts be directed to implementing as many of the recommendations as possible as promptly as possible.

It is also important to place these recommendations in proper perspective. They call for action not only by all three parts of the Federal Government—the executive, legislative, and judicial branches—but also by State and local governments, by people in the suburbs and in the central cities, by the newspapers, television, and radio, by the schools and churches and voluntary organizations, by the police, teachers, lawyers, and businessmen. No single organization is blamed for our present plight and no single, simple solution is advocated. The Report asks all of us to work together to find ways out of our difficulties.

Many of the recommendations in the Report involve the areas for which I have responsibility as head of the department concerned with health, education, and welfare. I have already instituted measures to carry out a number of the recommendations in the Report, and other recommendations are being pursued through Congressional and judicial action.

In the *welfare* area, I have recommended to the Congress a postponement of the "AFDC freeze" on Federal payments contained in the 1967 amendments. Legislation is pending on this matter. We have instituted changes in policies to establish, in the words of the Report, "clear and enforceable rights" to welfare.

The President has established a Commission on Income Maintenance Programs to overhaul the welfare system. Judicial review is underway on the "Man-in-the-house" and residence requirements which exclude bona fide needy persons and needy children from help.

In addition, we have recommended that the social security program be improved by increasing the minimum monthly benefits from $55 to $70 a month and from $82.50 to $105 for a couple. This would take about one million people out of poverty.

In the area of *education*, we are working on the recommendation to expand early childhood education. We will be expanding day care services for children of working mothers and providing these services with the involvement of parents and the community. We have requested additional funds for these programs.

We have requested that Congress expand the Teacher Corps—an imaginative way to bring more teachers to the urban and rural pockets of poverty.

We recently issued new guidelines under Title VI of the Civil Rights Act on eliminating segregation in schools, which will have special impact on schools in the northern cities.

We are proceeding with improving the quality of education in ghetto schools through Titles I, II, and III of the Elementary and Secondary Education Act of 1965.

The Office of Education has been encouraging better community-school relations and will step up its work in this area.

The Department's current budget for education also gives high priority to several key thrusts against poverty and educational disadvantage. We are seeking increases in funds for improved teacher training, particularly for teachers of the disadvantaged, for a new bilingual education program, for a new Stay-In-School program to prevent dropouts and for a continued attack on adult illiteracy.

With regard to new education legislation we are supporting measures now pending in Congress to expand vocational and technical training. We are also seeking legislation to authorize a new program of counseling and assistance for disadvantaged college students to help them make a success of their studies; and expanded student financial aid for the needy and disadvantaged.

In the *health* area, we are, in accordance with Congressional authorizations, expanding family planning services. We also plan to step up maternal and child health services in ghetto areas where many families do not have family physicians. We have recommended additional legislation in this field.

All of these steps are in the direction of implementing the Commission's Report. We must also secure open housing legislation, expand job opportunities, and develop special training programs for the disadvantaged. I hope to work constructively with former Secretary John Gardner in the Urban Coalition to bring government services into the central cities more efficiently and promptly.

And I believe that you in the business community can also contribute toward the effort that all of us must make in the cities.

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* Presented to the American University's Eighth Annual Washington Conference on Business-Government Relations, April 2, 1968, Washington, D.C., 2:30 p.m.

It is up to businessmen, of course, to provide jobs—jobs conveniently located, in places that are accessible to the disadvantaged. Many plants have been located without regard for transportation or housing, without regard for the man who wants and needs a job but who has no way to get to it. Government agencies must similarly review their policies and practices in this regard.

The business community is particularly well equipped to provide more job opportunities and job training. Discriminatory practices must be abolished in the hiring and promotion of employees. But just providing opportunities is not enough. We must also reach out to the disadvantaged groups, and provide encouragement and motivation. Supervisory personnel who are sympathetic and understanding can help many of the disadvantaged to adjust to the realities of the world of work.

The businessman should also look beyond the confines of his office or factory to the total needs of his community.

An urgent need in every community is better education. The Commission found that one of the major sources of discontent in our society has been the failure of the ghetto schools to provide the education which could overcome the effects of discrimination and deprivation.

Inner city schools fall far short of the quality that is needed. They often lack adequate financial support. Many times they lack good teachers and equipment. They may be rigidly segregated as the result of housing practices. Children are often racially isolated. They start behind when they enter school and they fall further behind each year. Ultimately, many of them drop out before their education is completed.

I think the business community can take a number of constructive actions to improve the quality of inner-city education. Here are just a few:

Set up training programs for school dropouts.

Cooperate in work-study programs for high school as well as college students.

Help the schools develop a curriculum that will be relevant to the needs of the labor market.

Institute in-plant adult education courses for low skilled workers.

Encourage top level management to participate in classroom activities—such as donating an hour or two a week to teaching the disadvantaged or serving as job and guidance counselors to the students.

Set up a speakers bureau within your company to go out to the schools and talk to the students about the realities of the job market.

Provide enriching day care centers for the pre-school age children of mothers who work for you.

Make sure that your community has first rate kindergartens and nursery schools as well as a community college.

Encourage the use of the school as a community center, open 12 months a year, 18 hours a day.

Eliminate de facto segregation wherever it exists.

As individuals you must also increase your support of the school through your taxes. You must be willing to pay for better schools. As a responsible citizen you will have to help the community find better ways of financing education. Sole reliance on the property tax is no longer an adequate or satisfactory way of financing the kind of education that our society requires.

I have barely touched on the many ways in which you as businessmen and as individuals can improve the quality of education. There are just as many things that you could do to improve housing conditions—encourage the development of new towns, the rehabilitation of slums, and most important, exert every possible pressure to insure open and decent housing for every individual in this Nation.

Let me mention one other aspect of the Report that has received much less attention than it deserves—individual participation. The Commission touched on this theme in the chapter entitled "Community Response"—how individual citizens can be encouraged to participate more deeply in the affairs of their community.

There are two major elements to this objective.

First, individual participation by people of the inner cities in plans and programs to improve their lot. At the heart of the problem is the feeling the individual has that he is trapped and without the personal or material resources to change his environment. We have to find ways to transfer rights and responsibilities to the people long denied them.

The second need is for increased participation by *all* citizens in the problems of the ghetto. It seems to me that, as we face the great urban crisis, we will have to tap the "helping spirit" in all Americans—the spirit that helped build the Peace Corps, VISTA, and the great voluntary movement in our country.

The problem—for business, local government, schools, HEW, the National Alliance of Businessmen, the Urban Coalition—is how to mobilize this effort, how to enlist people and get them to work together effectively in the areas where they can help the most. We in HEW are working very hard on this problem, and if I am to leave any message with you today it is this challenge; how do you tap the great spirit in America that wants to be tapped, that wants to become more deeply involved, that wants to contribute toward solving the urban crisis?

The urban crisis and the problem of poverty, discrimination and alienation that accompany it will not disappear overnight. They require massive and sustained indivdual, community, and corporate efforts. But time is running out. As de Tocqueville once said: "A grievance patiently endured so long as it seems beyond redress becomes intolerable once the possibility of remedy crosses men's minds."

And it is becoming intolerable for many American Negroes and other minority groups, and rightfully so, in a Nation where more and more people are enjoying the benefits of prosperity and where the disparity between those who have gained the most and those who have gained the least grows.

President Johnson reminded us last January: "Nothing can justify the continued denial of equal justice and opportunity to every American."

And he has reminded us often that the Nation has faced grave crises before. Open confrontation in the past has served to unify Americans. The Civil Disorders Commission Report has focused attention on and dramatized anew our most serious domestic problem.

It is up to all of us to respond. We can make that response if we have the determination and if we all work together constructively. We can reunite our people and at the same time elevate the quality of life for all Americans.

Let's get on with the job.

TRIBUTE TO MRS. PHILIP E. SPALDING, ART PATRON

Mr. FONG. Mr. President, it is with deep sorrow and sympathy that I pay this tribute on the passing of a beloved and illustrious patron of the arts in Hawaii, Mrs. Philip E. Spalding.

Mrs. Spalding passed away in Honolulu last Saturday, March 30, at the age of 80. Hers was a life noteworthy for her patronage of many of Hawaii's artists and for her valuable contributions of works of art.

She was born Alice Cooke, daughter of the late Charles Montague Cooke and Anna Charlotte Rice Cooke, on February 8, 1888. She was a member of a distinguished family which pioneered in the early development of the Hawaiian Islands and continues to make great contributions to the business, civic, and cultural growth of the islands.

A major lifelong interest was the Honolulu Academy of Arts, which she helped her mother to found. It was largely Mrs. Spalding's work and support which brought the academy to reality, and she was its mainstay during the academy's early years.

Mrs. Spalding contributed numerous works of art to the academy, and as recently as 1966 donated $10,000 toward purchase of an oil painting by Monet.

Her beautiful home at 2411 Makiki Heights Drive is famous for its Japanese garden, which took 13 years to create. It was the setting in 1965 for a pageant on the artistry of old Japan for the Garden Club of Honolulu. It was the scene of numerous receptions which drew admiring visitors from all over the world. Her home was always open to members of the art world.

Although failing in health in recent years, Mrs. Spalding retained a firm interest in local artists and sculptors.

Her passing is mourned by all Hawaii and especially by those in art circles who were inspired to greater efforts by her benefaction. As one of her grateful beneficiaries, now a successful artist, noted:

Hawaii art gained immensely in prestige because of her influence and her purchase of paintings and sculptures by young artists. Her encouragement and patronage of young artists, and her interest in the highest quality, influenced generations of artists in Hawaii.

Mrs. Spalding's death has left a vast void on the cultural scene of the 50th State. She will be sorely missed but her lifelong dedication to the arts will remain an inspiration for future generations.

Mrs. Spalding is survived by her husband Philip E. Spalding, now a retired business executive, who was formerly president of C. Brewer & Co., one of Hawaii's largest corporations. Mr. Spalding was for many years chairman of the board of regents of the University of Hawaii who contributed greatly to the advancement and progress of that institution. He was also active and prominent as a leader of numerous economic, educational, civic, governmental, and political organizations.

Mrs. Fong and I join the people of Hawaii in extending our heartfelt condolences and sorrowful aloha to the family—her husband, their two sons, Philip E. Spalding, Jr., president of Hawaiian Western Steel, Lt., and Charles C. Spalding, president of the Hawaiian Insurance & Guaranty Co., and consul for Belgium in Hawaii; a brother, Theodore H. Cooke; eight grandchildren and a great-grandchild.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair. May I add that the Senate will very likely reassemble no later

than 1:15 o'clock this afternoon, with the understanding that the recess will not last beyond 1:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 12 o'clock and 28 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 1:15 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE INTERSTATE COMMERCE ACT

Mr. MANSFIELD. Mr. President, now that the most immediately interested participants are in the Chamber, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 560, S. 1314.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1314) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I made a mistake. I ask unanimous consent that the pending business be laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. What business was set aside?

The PRESIDING OFFICER. The Chair will state to the Senator from Ohio that the bill just set aside is S. 1314.

Mr. LAUSCHE. Dealing with what?

Mr. MANSFIELD. A bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, reported by the Senator from Ohio [Mr. LAUSCHE]. (Laughter).

Mr. LAUSCHE. Wonderful. I thank the Senator.

The PRESIDING OFFICER. The Chair would ask the Senator from Montana whether it is his purpose to have S. 1314 returned to the calendar.

Mr. MANSFIELD. Yes, indeed, Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered, and S. 1314 is returned to the calendar.

UNLAWFUL SEIZURE OF U.S. FISHING VESSELS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 903, S. 2269.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 903 (S. 2269), to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 3, line 18, after the word "section.", insert "The amount fixed by the Secretary shall be predicated upon at least 33⅓ per centum of the contribution by the Government."; and on page 4, line 4, after the word "section", insert "in an amount not to exceed $150,000 annually."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), is amended by adding at the end thereof a new section to read as follows:

"SEC. 7. (a) The Secretary upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certified as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

"(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel.

"(b) Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale.

"(c) The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33⅓ per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. All payments under this section shall be made first out of such fees so long as they are available, and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section in an amount not to exceed $150,000 annually.

"(d) All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

"(e) The provisions of this section shall be effective for forty-eight consecutive months beginning one hundred and eighty days after the enactment of this section. The Secretary shall issue such regulations and take such other measures as he deems appropriate to implement the provisions of this section prior to such effective date.

"(f) For the purposes of this section—

"(1) the term 'Secretary' means the Secretary of the Interior.

"(2) the term 'owner' includes any charterer of a commercial fishing vessel."

SEC. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973), is amended by inserting a comma after the word "fine" wherever it appears and the words "license fee, registration fee, or any other direct charge".

SEC. 3. The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), as amended by this Act, may be cited as the "Fishermen's Protective Act of 1967".

The bill was subsequently reported adversely by the Committee on Foreign Relations, without amendment.

Mr. MAGNUSON. Mr. President, there is an amendment at the desk (No. 678) to S. 2269, the pending business, proposed by the Senator from California [Mr. KUCHEL], the Senator from Alaska [Mr. BARTLETT], and myself.

I ask unanimous consent that the name of the Senator from Oregon [Mr. MORSE] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the Senator from Alaska [Mr. BARTLETT] is not at the moment in the Chamber but he is readily available. Thus, I shall proceed briefly on the bill. I am quite sure that the Senator from Alaska, who held hearings on this matter as chairman of the Subcommittee on Merchant Marine and Fisheries, will have more to say about it.

This bill is an amendment to the act of August 27, 1954, commonly known as the Fishermen's Protective Act, which now provides that in cases where a private vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and when there is no dispute of material facts as to the

location or activity of such vessel at the time of seizure, fines paid in order to secure the prompt release of the vessel shall be reimbursed by the Secretary of the Treasury upon certification of the Secretary of State.

S. 2269 would provide as follows:

First. For all U.S. vessels, it would broaden the scope of reimbursement to be made by the Secretary of the Treasury—upon certification by the Secretary of State—to include license fees, registration fees, and any other direct charges in addition to fines.

Second. For U.S. commercial fishing vessels, it would add a new section which would empower the Secretary of the Interior to enter into agreements with vessel owners to guarantee payment to the owners of certain actual costs resulting from seizure and detention of a vessel, including damage, destruction, loss, or confiscation of the vessel, its fishing gear or other equipment, dockage and utility fees, payment to the owner and crew of the market value of fish confiscated or spoiled during the detention of the vessel, and payment to owners and crew of up to 50 percent of the estimated gross income lost as a result of the seizure or detention. The Secretary of the Interior would be authorized to establish fees to be paid by vessel owners entering into such agreements, the fees to be adequate to cover the cost of administration of the guarantee system and a reasonable portion of payments under this system. The amount fixed by the Secretary shall be predicated upon at least 33⅓ percent of the contribution by the Government. The establishment of the guarantee system would be limited to 4 years beginning 180 days after enactment.

That last line, Mr. President, is very important and I want briefly to discuss it. More discussion by the Senator from California [Mr. KUCHEL] and the Senator from Alaska [Mr. BARTLETT] will be made on the bill but because I have to go to an Appropriations Committee meeting at 2 o'clock I should like to say now that that line, "The establishment of the guaranty system will be limited to 4 years beginning 180 days after enactment," is very important because opposition to the bill has been based upon the fact that this might establish a precedent, that others might suffer loss by illegal seizure of their property.

I suppose they could. If they did, and Congress saw fit to do that, I say to the opponents of the bill, why not, if something is illegally seized, such as property? In this particular case, it is a lot different. That is why it was singled out. The reason why we put in the 4-year period was so that it will not be permanent, in the hope that the State Department and this Government can work out with the seven countries of Latin America; namely, Argentina, Chile, Ecuador, El Salvador, Nicaragua, Panama, and Peru—and three other countries, Costa Rica, Colombia, and Uruguay, who are considering similar jurisdictional claims, that is, up to 200 miles, in the hope that within the 4-year period we can work out a decent arrangement concerning territorial limits on the high seas.

During the last session, we passed a bill establishing the 12-mile limit. For a while we had the 3-mile limit which was sort of fuzzy and nebulous. Most of the nations of the world have established international territorial limits of 12 miles. And we followed suit.

We are hopeful that the other countries will do the same thing and that we can have a further international conference. We had one in Geneva, some time ago, in which we lost by one vote on the issue of the countries that wanted to establish a 12-mile limit. We hope to reestablish this international conference to work that out.

In the meantime, Ecuador and Peru, which are the main offenders, are claiming—and the other five countries and three more—the 200-mile limit, which is preposterous in view of the world conditions and in view of the great number of activities in international waters of many nations of the world in fisheries.

Mr. President, a good deal of debate and discussion has ensued on S. 2269, a measure which would provide some additional relief to American-flag tuna and shrimp vessels now subject to seizure in international waters off foreign shores since the Committee on Commerce first brought the matter to the floor during the first session.

Throughout this period the illegal seizure of American vessels has continued. They have been fined, subjected to licensing demands, and harassed in their peaceful pursuit of the marine resources. This regrettable activity has taken place in waters in which this Nation recognizes as a part of the high seas. Indeed, we are members of that historic convention adopted at the 1958 Geneva Conference on the Law of the Sea.

As I analyze the opposition raised to this needed legislation, it seems that two primary objections are presented. I sincerely question the validity of either.

First, it is indicated that S. 2269 establishes some kind of precedent.

In my judgment, if there is a precedent in the United States interceding on behalf of American-flag vessels fishing in internationally recognized high seas waters and compensating them for losses they may suffer, this was established in 1954 when the Congress passed the Fishermen's Protective Act.

S. 2269 is merely an extension of this long recognized compensation. It does not, in my mind, establish any new precedent. Under the 1954 act, this Government repays to the fishermen the amount of fines levied, but a very narrow interpretation of the law by our State Department has prevented the necessary compensation for other costs assessed—again, illegally—by foreign governments against American fishermen.

Actually, we might well say that S. 2269 merely plugs some loopholes in the act of 1954, for there is very little difference to these American fishermen whether their cost of operation is dramatically increased by fine, license, loss of fishing time, damage or loss of gear, spoilage or confiscation of their catches, or any other products of seizure and harassment.

In each of these cases, assuming the U.S. vessel is on the high seas—and the 1954 act requires that there is no doubt of position of any vessel before compensation is to be certified—the act is an illegal one.

The precedent then has been an integral part of our national policy for more than 13 years.

Second, some have claimed that S. 2269 provides a preference to American-flag fishing vessels above and beyond that provided other citizens.

It seems to me that we are talking about two different situations here, and if some choose to call this a preference, I would contend that it is totally justifiable.

Again, this so-called preference has been a part of our national policy for the past 13 years, and S. 2269 merely extends the degree of coverage; it does not establish such preference as a new concept.

To me there is a vast difference between an American citizen, corporate entity, or whatever, which might establish an enterprise on foreign soil. I would hope that this Nation would take all action to protect that citizen's rights, but guarantee of compensation for this situation where the risk is a calculated one is far different than the peaceful pursuit of high seas fishing or the rights of innocent passage of vessels.

There is another factor here which needs to be emphasized.

This Nation's present and future security is vitally dependent upon a narrow territorial sea throughout the world, thus assuring free passage for our naval vessels to regularly occurring trouble spots throughout the world. This recognized right can only be maintained by use, and the best example of defending this essential principle has been our American fisherman. They have carried this battle with considerable individual sacrifice, and although the 1954 Fishermen's Protective Act was of good assistance, there is an immediate need for the additional compensation provided in S. 2269.

Other objections have been raised at this Government's failure to recapture these illegal fines as the record shows that the State Department, despite strong protests at the actions of these countries on the high seas, have not returned a dime to the U.S. Treasury.

This problem is clearly resolved with the amendment to S. 2269 which is before you today.

I could speak at much greater length on the history and need in this critical situation. I know that others will wish to make expressions, and my primary goal today has been to clarify some of the objections as expressed here on the floor and in committee sessions.

Mr. GRIFFIN. Mr. President, will the Senator from Washington yield for one brief moment?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. The distinguished Senator made reference to the act passed last session extending territorial waters of the United States to 12 miles. I am sure he intended to make it clear that that act had to do only with fishing.

Mr. MAGNUSON. Yes. That is correct.

Mr. GRIFFIN. Fishing zones alone. In

other respects, we still recognize the 3-mile limit; is that not correct?

Mr MAGNUSON. Yes.

Mr. GRIFFIN. I thank the Senator.

Mr. MAGNUSON. Nine miles plus 3 miles for fisheries. I am glad to be corrected. I meant fisheries. But the 200-mile limit has been established by these countries, directed not only against fisheries but most anything they want to, apparently.

Mr. BARTLETT. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. In fact, these countries have established a 200-mile territorial seas limit, have they not?

Mr. MAGNUSON. Yes. Now I have a strange anecdote to relate about the 200-mile limit. In Peru, I held talks with the highest officials of the government about the 200-mile limit. They looked me squarely in the eye and said, "We did not establish the 200 miles. You did"—meaning we, the United States.

I said, "How is that?" They pulled out a musty old order that had been in a drawer—I guess they kept it handy—issued during World War II by President Roosevelt, establishing a 200-mile neutrality zone around the western part of South America as protection. They picked that up and said it should be 200 miles off their coast for fishing and other territorial matters.

Our fishermen do not agree with that, and I do not think fishermen of other countries do. This is a rich fishing ground, where the warm currents from the north meet the cold currents from the south, and it is a feeding ground for fish. So our people have been harassed and thrown into jail and have had everything else happen to them when they have gone fishing there. Tuna fishermen from Maine, Oregon, California, and other States, have in the main gone down there. They have a legitimate right to compete with fishermen from other nations in fishing for tuna.

Every time they do, a destroyer shows up and fires a shot across the bow. Sometimes they are not accurate marksmen. I have kept my fingers crossed, because such inaccurate shots might lead to greater incidents and trouble with those countries.

As the Senator from Alaska knows, the irony of all this is that the destroyers that go out and pick up our fishermen are destroyers we gave those countries for their protection. They are being used to pick up our fishermen. One fisherman said to me, "You have never been in jail until you have been in a Peruvian jail or an Ecuadorian jail. There is no jail in the world like those jails."

Our fishermen are fined. They do not have the money to pay those fines. They go to our State Department representatives. We used to have a fund, very similar to a petty cash fund, from which the Embassy would lend those fishermen money so they could get out of jail and get their ships back.

This measure is an attempt, after 4 years, to put an end to this nonsense.

I know the Senator from Michigan has an amendment on the whole territorial limit question. We still adhere to the 3-mile limit, as the Senator said. That limit is legally fuzzy. During prohibition, we called it 12 miles Some coastal States have different versions. The Supreme Court of the State of Washington at one time ruled that the territorial waters of the State of Washington extended as far as man could row a boat. It did not say how big a boat or how strong a man.

The fixing of such a limit arises from the time when one looked and saw the horizon, which was 3 miles away. Well, times have changed and activities in the oceans have changed, and fishing should be put within reasonable restrictions. A limit of 200 miles is preposterous, because most of the commercial fishing in the world is done near the coastal areas, beyond where we have the 12-mile limit now.

Mr. President, I hope the bill will pass. We were very generous in the Commerce Committee. We said, "All right, this involves international matters, and we should let our very distinguished Foreign Relations Committee take a look at the bill." That committee took a look at the bill, among other things it is doing. The committee decided it might have some serious international aspects and consequences. The committee voted, 13 to 5, that it was not a very good bill. The Commerce Committee voted 16 to 1 that it was a good bill. So, between the two committees, a majority of Senators voted that the bill should be considered favorably.

I have said that we were very generous in giving the bill to the Foreign Relations Committee. I was hoping, if the Foreign Relations Committee thought this was not a very good bill, it would give us an alternative. I suppose the committee has been dealing with so many alternatives, it does not know which one to accept. We are willing to take an alternative, but we want the problem settled. The problem continues. Every 2 or 3 months an American boat is seized and somebody is put in jail. A limit of 200 miles is preposterous.

I hope the Senate will consider the bill favorably.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I am glad to yield.

Mr. LAUSCHE. I would like to ask several questions concerning what may develop in the event the bill is passed.

First, is it not a fact that by this bill the Government of the United States will indemnify a fisherman whose ship, equipment, or catch is seized by a foreign government while it is in international waters?

Mr. MAGNUSON. Yes.

Mr. LAUSCHE. In other words, the U.S. Government says to the fisherman, "If you go into the high seas and your ship is seized, the Government will indemnify you for up to two-thirds of your losses; first, for the time lost in the use of the ship; second, for the fine you had to pay; third, for the loss of your catch or fish; fourth, for the loss of the use of your ships"; and some other grounds under which indemnity will be made.

Mr. MAGNUSON. Generally speaking, that is correct. The Senator from Alaska [Mr. BARTLETT] may go into more detail.

Mr. BARTLETT. Mr. President, if the Senator from Ohio will permit, we laid the groundwork or basis for this in 1954—

Mr. LAUSCHE. My question is, Is it not a fact that what the bill does is indemnify for losses?

Mr. BARTLETT. It indemnifies for losses. That is correct. Part of the indemnity comes from the Federal Government of the United States and part of it from the fishermen themselves. As spelled out in the bill, the fishermen have to pay one-third.

Let us be sure here that we understand this is not a vast bill opening the gates of the Treasury. The period during which it will be operative, under the terms of the bill, is 4 years. A limitation is written into the very language of the bill as reported by the Committee on Commerce last September, providing that the Federal Government, during any given year of those 4 years, shall not pay more than $150,000.

Mr. LAUSCHE. The answer to my question has been that this puts the U.S. Government into the field of guaranteeing to an American national that, if his equipment is seized on the high seas, the Government will indemnify him.

My next question is, What about the American national who establishes a business in a foreign country and his business is seized by the foreign country? Do we indemnify him for the losses which he sustains?

Mr. BARTLETT. The Committee on Commerce had no proper legislative jurisdiction relating to that problem. It was concerned only with the matter then before us, as spelled out in the bill, S. 2269, in the form it was originally introduced and as issued from the committee.

Mr. LAUSCHE. That is, for fishermen?

Mr. BARTLETT. We had no authority to go beyond that, and we did not.

Let me say to the Senator that in the 1954 act and the proposal here made have to do with a very basic, extremely important question it seemed to the committee, and that is: Are we going to recognize, tacitly or otherwise, the claim of a 200-mile territorial sea and a 200-mile fishing zone, and beyond that in some cases, made by several of these nations?

Mr. LAUSCHE. Mr. President my question has not been answered. Do we indemnify an American national whose property is seized by a foreign country?

Mr. KUCHEL. Mr. President, will the Senator yield to me to make an observation?

Mr. LAUSCHE. The question can be answered yes or no.

Mr. BARTLETT. Surely.

Mr. MAGNUSON. In some cases we do.

Mr. KUCHEL. Mr. President, will the Senator yield to me very briefly on that point?

Mr. LAUSCHE. Mr. President, why does not one Senator answer the question, instead of three standing up?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senator from Washington has the floor.

Mr. KUCHEL. Will the Senator yield to me, just very briefly?

Mr. LAUSCHE. Will the Senator from Washington answer my question? Does the U.S. Government idemnify a U.S. na-

tional whose property is confiscated by a foreign government?

Mr. MAGNUSON. In some cases we have.

Mr. LAUSCHE. When?

Mr. MAGNUSON. In case of war we have.

Mr. LAUSCHE. We do it after we have been paid reparations.

Mr. MAGNUSON. Yes, that is right.

Mr. LAUSCHE. Did we indemnify the U.S. nationals in Cuba?

Mr. MAGNUSON. I do not know about that.

Mr. LAUSCHE. We did not.

Mr. MAGNUSON. We have indemnified people of Japanese ancestry who were run out of the Pacific coast. We have done it in some cases. But to answer the Senator's question, as a matter of law we do not.

Mr. LAUSCHE. That is right.

Mr. MAGNUSON. There have been a number of private bills passed by Congress, and many cases where there have been instances of such indemnification. Congress has seen fit to single those out. But the Senator is correct; as a matter of law we do not.

I must leave the floor in a moment, but the Senator asked one other question, as to what is the difference between this situation and that of the fishermen. My answer to that is that there seems to me to be a vast difference between a fishing vessel and an American citizen or corporate entity which might establish an enterprise on foreign soil. I would hope this Nation would take action to protect that citizen's rights; but to guarantee compensation for a situation where the risk of loss is a calculated one is far different than to guarantee it for the peaceful pursuit, on the high seas, of fishing, with the recognized right of innocent passage of vessels.

Mr. LAUSCHE. Will the Senator answer this question: Does he insist that it is the responsibility of the United States Government to shoot it out with Peru, or, if it is unwilling to shoot it out on the high seas, to indemnify these fishermen specially and in a manner different than we treat all other U.S. citizens? Should we shoot it out, and if we do not shoot it out shall we pay this privileged group of fishermen?

Mr. MAGNUSON. Mr. President, that is what we are trying to avoid. I am afraid some fishermen would have almost a just cause, sometimes, to justify their shooting it out. Then we would be in real trouble. That is what we are trying to avoid.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. MAGNUSON. The Senator has the floor.

Mr. BARTLETT. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BARTLETT. There is no possibility of shooting it out with those people down there. We do not have anything on hand with which to shoot. I hold in my hand a copy of the Los Angeles Times for August 27, 1967, with two pictures and an article concerning the seizure by Peru of a U.S. tuna boat. Here is a picture of the Peruvian naval vessel, showing an officer holding a shotgun with which he had wounded the captain and navigator of the American tuna boat.

What is this Peruvian naval vessel? It turns out that it is a former Navy tug.

I yield to the Senator from California.

Mr. KUCHEL. I thank the Senator very much.

Mr. LAUSCHE. May I finish my question?

Mr. KUCHEL. Mr. President, did the Senator from Alaska yield to me?

Mr. BARTLETT. I yielded to the Senator from California.

Mr. LAUSCHE. Can I not get an answer to the question?

The PRESIDING OFFICER. The Senator from Alaska has the floor. To whom did he yield?

Mr. BARTLETT. Mr. President, I yielded to the Senator from California, who is eager, anxious, and able to give a precise answer to the Senator's question.

Mr. KUCHEL. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Alaska has the floor, and he yielded to the senior Senator from California.

Mr. KUCHEL. I thank the Presiding Officer.

Mr. President, I want to try to remove a little of the confusion under which the distinguished Senator from Ohio is laboring.

The fact of the matter is that Congress passed legislation sponsored by the senior Senator from Iowa [Mr. HICKENLOOPER], which came out of the committee on which the distinguished Senator from Ohio serves, providing that, in event of expropriation of property by a foreign government owned by a citizen of the United States, there would be insurance to indemnity the American citizen.

Let me add to that something about these vessels that have been seized.

Mr. LAUSCHE. The Senator cannot tell me anything.

Mr. KUCHEL. We are a great maritime Nation. Dozens of American-flag fishing vessels have been seized on the open ocean. There have been some people who would advocate that we go to war with the countries that have seized them.

That is obviously ridiculous. When the Senator from Ohio uses the phrase "shoot it out," I think he is a little wide of the mark. Since 1954, the law of this land has provided for some compensation to the owner of a fishing vessel, if that fishing vessel is seized on the open ocean. The 1954 act provides for the reimbursement of fines. What we are trying to do here is give some incentive to the fishermen themselves to participate in an insurance fund. In a few moments, I shall offer an amendment to eliminate all foreign aid to a country which seizes an American-flag vessel on the open ocean. I hope my able friend the distinguished Senator from Ohio will support that amendment.

This would not be the first time the Senate has taken such action. In 1965 I offered an amendment to the Foreign Aid Act, providing for a mandatory aid cut off, when a South American country seizes an American vessel clipper on the open seas. The Senate overwhelmingly agreed to that amendment. It was the House of Representatives that weakened it so that, today, there is only a discretionary power on the part of the American Government to turn off aid.

The three of us who sponsor this legislation will offer an amendment to make it mandatory.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. KUCHEL. I do not have the floor.

Mr. BARTLETT. I yield to the Senator from New Hampshire.

Mr. COTTON. I am very glad to hear the statement of the distinguished Senator from California about the amendment which he intends to offer. When this bill was considered in our committee, I voiced some doubts about it, and I shared, to a certain extent, the feelings of the distinguished Senator from Ohio, although perhaps not quite as vehemently, because it seemed to me—and I remember saying so in an executive session of the committee—that while I had every sympathy for these American fishermen who were losing their property, I also recognized the fact that we should try to encourage, as far as we can, our maritime activities and our fishing industry, and to that extent the purpose of the bill was certainly meritorious.

I remember saying in executive session of the committee, and perhaps should not say it on the floor, that on occasion our State Department was spineless enough without contributing further to its spinelessness. We would indemnify Americans who had suffered unjustly at the hands of other countries so that they would be relieved of any pressure to assert themselves in dealing with any given situation. That was the feeling I entertained.

I also said that in view of the fact that the pending bill probably came about largely because of the existing situation with Peru, which claims rather ridiculously a territorial limit of 200 miles out into the ocean, and that we were furnishing aid to Peru, it seemed to me that we could handle this matter without establishing the precedent of indemnifying those Americans who lost their property in this manner.

This is not a total indemnity.

Mr. BARTLETT. It is 66⅔ percent. And it is 50 percent for the loss.

Mr. COTTON. If the amendment of the distinguished senior Senator from California is agreed to and if the amendment, which I have not as yet had the opportunity to examine, is bombproof and ironclad enough so that it will raise a real barrier and really mean the withholding of foreign aid to a country that is as blatant in its dealings with our fishermen as this particular country is, it would satisfy me.

Mr. BARTLETT. Mr. President, I intend to yield in a moment to the distinguished Senator from California [Mr. KUCHEL] so that he may offer his amendment. However, before doing so, I want to say that I think there is a basic difference between the situation we are discussing today and the ordinary business investment in a foreign country, wherever it may be. And that difference is that we reject the contention that any nation has a right to a territorial sea of 200 miles. When these fishermen go down off the coast of South America, or

when sport fishermen go wherever they may, they are in a measure defending the position of the United States in holding that no nation unilaterally can declare for itself a territorial sea 200 miles in breadth.

I yield to the Senator from California.

Mr. LAUSCHE. Mr. President, will the Senator allow me to ask a question of the Senator from California?

Mr. BARTLETT. I will leave that up to the Senator from California. I want to yield to him so that he may offer his amendment.

Mr. LAUSCHE. Mr. President, will the Senator from California allow me to ask a question pertaining to this matter?

Mr. KUCHEL. Mr. President, I would like to offer my amendment, if I may.

Mr. LAUSCHE. Mr. President, I tried to get some questions answered. It seems to me that I cannot get answers from the proponents of the measure.

Mr. BARTLETT. Clear-cut answers have been given to every question.

Mr. LAUSCHE. Mr. President, when we have a riot in the United States and the property of our citizens is torn down and destroyed by fire, does the Government indemnify the citizen for his loss?

Mr. BARTLETT. Unless I am greatly mistaken, no. However, I see no relation between the two events.

Mr. LAUSCHE. If a citizen of the United States is robbed while walking on a street in the District of Columbia, would we indemnify that citizen for his loss?

Mr. BARTLETT. The Senator refers to something that has no real connection with this measure.

Mr. LAUSCHE. Why should we indemnify the sacred fisherman?

Mr. BARTLETT. Because when he goes down and fishes 75 miles from the coast—or whatever the distance may be—of a country which claims this great territorial sea, he is upholding the foreign policy position of the United States. That is why we should do this, and we started this in 1954. We are seeking to enlarge upon it.

Mr. LAUSCHE. Mr. President, may I reply in answer to what the Senator has just said?

Mr. BARTLETT. I yield.

Mr. LAUSCHE. When a U.S. fisherman goes into waters which a foreign country has told him not to enter, is he in a better position to claim a right than is the American national who by invitation goes into a foreign country and establishes a business there that is later confiscated from him?

Mr. BARTLETT. We are dealing with a particular situation in a particular area.

Mr. President, I yield now to the Senator from California.

Mr. KUCHEL. Mr. President, I thank the Senator. I want to call up amendment No. 678, but I should like to ask whether the parliamentary situation requires consideration first of committee amendments?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendments are agreed to en bloc.

AMENDMENT NO. 678

Mr. KUCHEL. Mr. President, I send to the desk my amendment No. 678 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 5, between lines 2 and 3, insert the following:

SEC. 3. Section 5 of the Act of August 27, 1954 (68 Stat. 883, 22 U.S.C. 1975), is amended to read as follows:

"SEC. 5. (a) The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this chapter (including payments made pursuant to section 7) because of the seizure of a United States vessel by such country. If, within one hundred and twenty days after receiving notice of any such claim of the United States, a country fails or refuses to make payment in full, the Secretary of State shall promptly report such failure or refusal to the President. The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

"(b) From any funds programed for the current fiscal year for assistance to the government of a country to which assistance is suspended [as shown in materials concerning such fiscal year presented to the Congress in connection with its consideration of amendments to the Foreign Assistance Act], the Secretary of State shall withhold an amount equal to the total of all such unpaid claims of the United States, which amount shall be transferred to the separate account established in the Treasury of the United States pursuant to section 7(c) for the payment of vessel owners. The Secretary of State shall transmit to the Congress, at least once each fiscal year, a report of all suspensions of assistance and of amounts transferred pursuant to this subsection.

"(c) No provision of law shall be construed to authorize the President to waive the provisions of this section."

Mr. KUCHEL. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from New Hampshire [Mr. COTTON] be listed as a coauthor of amendment No. 678.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, on examination of the Senator's amendment, I feel very well satisfied with it. I was fearful that the amendment would simply provide that foreign aid would be suspended in a country where these claims were made and where this confiscation of our property had taken place, and that would not be worth the paper it was written on, as they would not withhold the entire foreign aid for a country because of a few fishing ships, any more than they would go to war about it.

As I understand the proposed amendment—the distinguished author of the amendment will correct me if I am wrong—it provides that when these claims are made, an amount equivalent to these claims shall be withheld and impounded from the foreign aid, to cover those particular amounts. Is my understanding correct?

Mr. KUCHEL. Not fully. May I explain it to the Senator?

Mr. COTTON. Yes.

Mr. KUCHEL. Mr. President, in this entire area of seizure on the open ocean of a vessel owned by another country, there are several important elements. One is the affront to the flag of the vessel which is seized. The United States has followed a theory of protecting its nationals wherever they may be, and I believe it should be generally conceded that the United States intends to see that its nationals are permitted to use the open oceans. That does not mean we are going to get into a conflict, a hot conflict, when that historic principle is denied to us.

But, who else is affronted? Obviously, the vessel involved, its owners, the captain and the crew, and the American fishing industry, which is important. So in 1954 a law was passed—it is still the law—which provides for some compensation from the Federal Government to an American-flag vessel which is seized.

When the Government compensates a vessel and its owner, it requests subrogation of the rights of the owner to the Government of the United States and then proceeds against the offending nation.

The bill before the Senate deals with an expansion of the types of damage which will be compensated, and provides for the first time a basis by which fishermen themselves may participate in what I believe can be accurately termed a revolving fund.

Several days ago we who are interested in the proposed legislation decided that it would be ludicrous for the United States to provide a means to reimburse our fellow Americans, whose rights to use the open seas have been violated, without proceeding against the country offending.

We took some feeble steps in that regard several weeks ago: I wish to pay a compliment to the Senator from Ohio. We have a law which provides that the Defense Department may loan naval craft to foreign governments. As the Senator from Washington has said, U.S. naval vessels which have been loaned to South American countries have themselves been used to seize American privately owned craft on the open oceans. I believe I am correct in saying that the Senator from Ohio successfully urged an amendment to that bill which provides that when the loan of an American naval vessel is renegotiated, the loan of it will not be continued if the country involved has seized American fishing vessels on the open ocean.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. BARTLETT. I merely wish to join with the Senator from California in paying tribute to and complimenting the Senator from Ohio for that action.

Mr. LAUSCHE. I would be much happier if the Senator from California and the Senator from Alaska would answer my questions, which I cannot seem to get them to do.

The PRESIDING OFFICER (Mr. CANNON in the chair). The Senator from Alaska has the floor.

Mr. BARTLETT. I have yielded to the Senator from California.

Mr. KUCHEL. Mr. President, if I may continue, we decided—the three of us—that there was no reason for us to assist a country in this hemisphere, under any type of Alliance for Progress doctrine, if they ruthlessly deny American citizens the right to fish in the open seas. That is the reason for this amendment.

I should like to read the amendment, and I wish to interpolate, for the purpose of legislative history, what we believe is the intent behind it:

The Secretary of State shall take such action as he may deem appropriate—

"Shall"—it is mandatory.

to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this chapter (including payments made pursuant to section 7) because of the seizure of a United States vessel by such country.

In other words, it is a mandate to the Secretary of State to take all steps he may deem appropriate to be reimbursed:

If, within one hundred and twenty days after receiving notice of any such claim of the United States, a country fails or refuses to make payment in full—

That is 4 months after the seizure has been made—

the Secretary of State shall promptly report such failure or refusal to the President. The President shall—

Again, it is mandatory, I say to the Senator—

thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended—

Then follow the citations—

to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HICKENLOOPER. I wish to raise one question. What about the Export-Import Bank? That is not a loan to the country. That is a loan to people engaged in business in those countries.

Mr. KUCHEL. That is not covered. We are dealing in this situation with the denial by a South American country—not an individual citizen of that country, by the country—of an internationally respected right on the part of an American citizen.

While there is much merit in the senior Senator's suggestion, I would not want to amend the amendment.

Mr. HICKENLOOPER. I will admit to being senior in age but not in wisdom.

What about the World Bank? What about the International Bank? Why not really put the screws on these people, rather than go into a dollars-for-tribute every time a vessel is seized, and then take a chance on collecting it some other way?

Mr. KUCHEL. I believe that if the pending bill becomes law, it will have a very salutary effect upon the offending countries.

A number of years ago, when my able friend the Senator from Iowa offered the expropriation amendment, which I believe has had a salutary effect—and he will recall that I supported it—I followed with an amendment somewhat similar to this proposal, that amendment was agreed to in the Senate but when it reached the other body they watered it down.

Mr. HICKENLOOPER. I supported the Senator on that amendment, which I thought was sound. I question this measure very much. This is a payment of tribute. I do not think it is wise.

Mr. KUCHEL. I disagree with the Senator.

Mr. HICKENLOOPER. It is an open season on American fishing boats.

Mr. KUCHEL. I agree with my friend in that. That is why we need a mandate on the executive branch to turn off all foreign assistance if a country offends one of our fellow citizens.

Mr. HICKENLOOPER. I went along with the Senator on the other bill.

Mr. KUCHEL. That is what this measure would do.

Mr. HICKENLOOPER. It would not, the way I read it.

Mr. COTTON. Mr. President, will the Senator yield so that I may ask a question? I must leave the Chamber in a few minutes.

Mr. KUCHEL. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I think I understand what the amendment purports to do, although I am not sure.

First, the amendment provides:

The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended . . . because of the seizure of a United States vessel by such country.

Then, the amendment provides that if within a certain period of time a country fails or refuses to make payment in full, the Secretary shall promptly report such failure or refusal to the President. Then, it is provided:

The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended, to the government of such country.

It is hard for me to be sure that a President of the United States, although he would intend to follow the laws, might not have to find reasons for withholding all foreign aid that flows to the country.

Mr. KUCHEL. He would violate this amendment.

Mr. COTTON. It has been done before by several Presidents of both parties. I shall not argue that point.

One question that troubles me is that the amendment refers to the seizure of American vessels. I may be wrong in my understanding because I am sure the Senator is thoroughly familiar with the practice and the problems of the fishing industry. This situation is largely confined, if not wholly confined, to Peru. It is my understanding that it is the custom to grab these fishing boats after they are full, when they have made their catch. It is then that they are pulled into the harbor.

In many cases, their refrigeration is such that if they are held up too long, they lose their catch.

Mr. KUCHEL. Yes.

Mr. COTTON. Then, they are blackmailed into paying money in order to get an immediate release.

Mr. KUCHEL. The Senator is correct.

Mr. COTTON. Will the Senator indicate to me, and this is all I want to know before I have to leave the Chamber, how this amendment would take care of that kind of situation? I was not satisfied with the bill and would not have supported it without this amendment.

The seizure about which I speak would be a momentary seizure for perhaps an hour. Perhaps the person in charge of the vessel would be told, "You are going to stay here until your fish are spoiled, unless you pay us so many thousands of dollars."

How would the amendment take care of that situation?

Mr. KUCHEL. The amendment now pending would not touch that situation. The bill to which we offer the amendment would. The bill, which was reported by the Senator's committee, would expand the provisions of the U.S. Fishermen's Protective Act of 1954, to include the loss of fish already caught.

Mr. COTTON. With reference to the element to which the Senator refers, according to my recollection, when we were considering the bill that situation was not taken care of; the matter was discussed in committee and the staff was instructed to revise it so that it would.

Mr. BARTLETT. To what does the Senator refer?

Mr. KUCHEL. The coverage of loss of fish. I think it is clear.

Mr. COTTON. There is no loss of fish involved in the question I asked.

Mr. KUCHEL. Then, the Senator is talking about a fine that is paid to the country.

Mr. COTTON. I am talking about the situation when they grab a boat after it is full of fish. We were told in committee that this was a common practice. They bring those ships in and they might hold them for 1 hour, 2 hours, or 5 hours. The fishermen know that if they are held the catch will be gone. They always waited until the boat was full. Then, they would say, "Upon the payment of so much money we will let you go back before the fish spoil."

In that situation there is no loss of fish nor loss of boat. There is a temporary seizure.

Mr. KUCHEL. An extortion.

Mr. COTTON. I do not see where that particular situation is plainly taken care of in the bill or the amendment.

Mr. BARTLETT. If I understand the Senator correctly, it is his view that compensation for market value of the fish was not included in the original consideration.

Mr. COTTON. The market value of the fish; if the fish were taken, or if he lost the fish. But in this case the fish are not lost, the fish are not taken, and the fish are not spoiled.

In this situation the fisherman would pay an extortion, a tribute. He greases somebody's palm, and it may not even be put through any formal court procedure. He greases the palm of some official in order to be released before he loses his cargo.

Mr. KUCHEL. The bill provides on page 2, line 10, as follows:

The Secretary shall guarantee—

(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

Mr. BARTLETT. There is a limitation in the bill of up to 50 percent only.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. COTTON. I wish to finish this colloquy, first.

I refer to the situation where an official—and I am not casting reflections on the integrity of officials of Peru or any other country—seizes a vessel and holds it. He may not bring the vessel into port, but he might simply say, "You are fishing in our territorial waters." Then, the owner greases the palm of that official. Nobody has levied a fine nor has the matter gone through a court. However, by supplying a few hundred dollars or a few thousand dollars, the fisherman is released before the fish are spoiled.

I do not know how we would get at that situation.

Mr. BARTLETT. To the best of our knowledge, in every situation the case of the vessel, its crew and cargo are taken to court and a fine is levied.

Mr. COTTON. That was not so indicated in the discussion in the committee.

Mr. BARTLETT. This, of course, is not intended to cover that situation, and I am glad the Senator brought the matter up because we might as well have the legislative history on it now.

It was the intention of the committee—as reported in the bill and after hearing testimony given during its consideration—that when it becomes law the bill will be administered so that there will be compensation only when the owner of an American fishing boat is taken before a court of proper jurisdiction in the original country.

Mr. COTTON. I am extremely sorry to hear that statement made for this reason. When a country ridiculously claims its territorial waters extend 200 miles out into the sea because of the fact the late President Roosevelt, during the war, in stating a policy of protecting the shores of South America, said the American Navy would protect them and destroy an enemy which came within 200 miles, that statement, which had nothing to do with territorial waters, has been distorted and twisted by Peru, at least, if not by other governments that by that statement we authorized them to extend their territorial waters 200 miles. When a country makes that ridiculous claim, and when it stops an American fishing boat 100 miles out, or 75 miles out, obviously not in territorial waters when it detains that fishing boat, even if it detains it only 20 minutes, there is a seizure. If during those 30 minutes the owner of the fishing boat, or the captain, has to grease someone's palm in order to be allowed to leave so that his cargo will not spoil, it would be a very difficult matter ever to prove that that was done. No damage to the boat or to the fish could be shown. Yet that practice, according to members of the committee who listened to the evidence in executive session of the Commerce Committee, was shown to have taken place.

The very fact of detaining or taking possession of an American fishing boat, even for a brief time, even if not taken to port, makes it very important that there be written into the bill, upon proper action, that indemnification should be exacted because of the act itself.

It would serve to put an end to this sort of semipiracy. Frankly, with all due respect, I do not trust the Agency for International Development, nor the State Department, to stand up very stiffly and protect the rights of American fishermen to that extent.

Mr. HICKENLOOPER. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. HICKENLOOPER. I want to call the attention of the Senator to the fact that they did it in the case of Ceylon. We withdrew our foreign aid from Ceylon when they expropriated our property. So, in that case, they stood up for the law and obeyed the law. I want the RECORD to show that.

Mr. COTTON. All right. Perhaps I have been unjust. If so, I regret my statement. I hope they would stand up to it, but they have some law to stand up to.

Mr. BARTLETT. Let me say this, in response to the statement just made by the Senator from New Hampshire. It seems to me, when this bill becomes law, as it surely will——

Mr. LAUSCHE. Scandalously.

Mr. BARTLETT. Appropriately and justly, naturally, that it will be a clear guide to the American captain, his officers, and crew. We cannot, as I see it, at least, write into a piece of legislation a requirement that the U.S. Government in part—because a portion of the money will come from the fishermen themselves—pay out to the American skipper any amount which he may assert he took out of his safe and gave to the port.

Mr. COTTON. I am not even suggesting that. I am afraid I did not make myself clear.

Mr. BARTLETT. That is how I understood the Senator.

Mr. COTTON. I am suggesting that the bill clearly give power to withhold foreign aid if that sort of episode occurs. We can never prove that a bribe was given, but if they are going to stop and take possession of a vessel, even momentarily, 100 miles off the coast, I want to see some authority in the bill. We cannot make it mandatory. It has to be at the discretion of the administration, but there should be some authority to take that into consideration in giving foreign aid. I am not suggesting we reimburse anyone for an alleged bribe.

Mr. BARTLETT. In the first place, it seems to be clear that, when the bill becomes law, the American skipper will allow his vessel to be escorted into port without any question. He can do this. Tuna vessels carry refrigeration and a day or two is not going to ruin their catch. He will make a clear record so that he can get compensation.

Let me read from the 1954 act:

Sec. 2. In any case where—

(b) There is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

It seems to me obvious that we should allow the vessel to go into port and then into court.

Mr. COTTON. I will not prolong this discussion. I just want to say this to the Senator, when he spoke of vessels being refrigerated, that it would not do any harm for a day or two, it was my understanding that if a few days elapsed, great loss would result.

Mr. BARTLETT. It is entirely possible, if the fishing vessel were kept in port too long, as has been the case. However, I believe that I specifically said "a day or two."

Mr. COTTON. Well now, with that in mind, the Senator now says—and he knows a lot more about fishermen than I do, he is our authority in committee, and justly so—that the captain would certainly insist on being taken into port, that he would not pay this "hush" money to get away, and that he will be insisting that they take him into port so that he can clearly establish and make a record.

I am not so sure that an American captain with any sense would do that. One, he is only going to get either 50 percent or 66⅔ percent back under this bill and, two, the enforcement of his rights will depend on the action, one, of the Secretary of State, then the President of the United States, and then the administrators of foreign aid. Unless the Government action and Government redtape is a lot different, as in case after case after case in other matters, this captain, if he is young, would have a lot of gray hairs before he ever got his claim adjusted. I doubt very much, if by passing over a sum of money he can be on his way and save his catch, that he is going to place his confidence in the Secretary of State, the President, the Agency for International Development, the Congress, the law, or God and the 12 Apostles. I think he will try to get away. That is why I would like to see in the bill some authority, not mandatory, but some authority to withhold an appropriate amount of foreign aid whenever an American vessel has been stopped outside an actual realistic limit.

Mr. BARTLETT. I defer to the Senator from California who offered the amendment.

Mr. LAUSCHE. Mr. President, I call for the regular order. I had wanted to participate in this discussion. There seems to be a "locked-in" on who shall discuss this matter.

Mr. KUCHEL. Well now, will the Senator from Alaska yield to me so that I may respond to the Senator from New Hampshire?

The PRESIDING OFFICER. The Senator from Alaska has the floor and may yield only for a question.

Mr. BARLETT. That is my intention. There was no other purpose whatsoever and no intention whatsoever, let me say to the Senator from Ohio, to keep him from whatever discussion he desires to make concerning this legislation which I think will be quite extensive.

Mr. LAUSCHE. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. No, I yield to the Senator from California.

Mr. KUCHEL. Let me answer the Senator's question, first, if I may.

Mr. BARTLETT. I yield to the Senator from California.

Mr. KUCHEL. It seems to me that we are on sound ground when we provide that where a vessel has been illegally seized and a fine or other kind of penalty has been imposed, it is sound public policy, under those circumstances, to say that all foreign aid to that country shall be turned off.

I suggest to my friend that if he wants consideration of some diminution of foreign aid when a vessel is not seized, but simply has its rights momentarily interfered with, it widens the area. It seems to me we would be better advised to adopt this kind of amendment on this occasion.

Mr. COTTON. I thank the Senator. I was simply trying to establish legislative history by bringing this point out.

Mr. LAUSCHE. Mr. President, will the Senator yield me time on his amendment?

Mr. BARTLETT. I yield to the Senator. I have the floor.

Mr. LAUSCHE. Do I understand that the amendment of the Senator from California would provide that whenever a foreign government seizes a fishing vessel flying a U.S. flag in international waters, payments of foreign aid shall be suspended until such time as that nation reimburses the U.S. Government in an amount equal to the indemnity paid out under the provisions of the bill?

Mr. KUCHEL. Yes.

Mr. LAUSCHE. Does not that in effect mean that the U.S. Government will say to the foreign country, "You pay us the amount we had to pay out because you unlawfully seized the ship, and if you do that, we will give you foreign aid"?

Mr. KUCHEL. I suggest the Senator is wrong. If he feels that way about it, let him vote against the amendment.

Mr. LAUSCHE. Is not that the fact?

Mr. KUCHEL. No, it is not the fact. I deny it.

Mr. LAUSCHE. How long would the suspension remain in effect?

Mr. KUCHEL. As long as the law remained on the statute books.

Mr. LAUSCHE. It would remain in effect until such time as the foreign country reimbursed our Government. Then our Government would say, "Well, now, we will give you more foreign aid." Is not that the fact?

Mr. KUCHEL. No.

Mr. LAUSCHE. What is it?

Mr. KUCHEL. Well, the fact is, I will say to the Senator, that the amendment is clear and speaks for itself and provides in part as follows: That when seizure is made by a foreign country on the open seas, or what we in America term the open seas, and a fine or other penalty is imposed against the American-flag vessel, the Secretary of State, through diplomacy, for a period of 4 months, is given the obligation, through such channels as he deems most appropriate, to obtain a reimbursement of the amounts of money taken, on our view that the amounts of money that were exacted cannot be supported in international law. At the end of the 4-month period, if his labors are unavailing, aid is suspended. Has the Senator read the amendment?

Mr. LAUSCHE. I heard the Senator's description of it very carefully, but his description of what it does would indicate he has not read it.

Mr. KUCHEL. In part it goes on to say, and I will read it——

Mr. LAUSCHE. The Senator started to say what the Secretary would do after he exhausted his diplomatic efforts. What does he do then?

Mr. KUCHEL. Starting on line 2, page 2 of the amendment, it goes on to state that under those circumstances—

> The Secretary of State shall promptly report such failure or refusal to the President. The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended [with the citation] to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

Mr. LAUSCHE. That is exactly what I said. After the Secretary has collected money constituting the amount of the reimbursement, he says, "Now we will give you foreign aid." That is the point I made, and that is the weakness of the bill.

Will the Senator from California accept an amendment to his proposal which would bar all aid from the United States to any country that practices seizure of American ships in international waters—an absolute bar, without any quibbling about "You give us reimbursement; then we will give you back what you reimbursed us with"—in other words, that any country which seizes our ships unlawfully in international waters shall be barred from all aid?

Mr. KUCHEL. Mr. President, if there is any question about the intention on the part of the authors of this amendment to prevent foreign assistance in such circumstances as we provide for here, suitable amendatory language will be accepted by us, but I doubt that it is needed. However, I think it is sound to provide for a 4-month period in which the Secretary of State may proceed diplomatically.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield.

Mr. FULBRIGHT. As the Senator knows, this bill came to the Foreign Relations Committee after it had been reported from the Committee on Commerce. I am puzzled by what appears to be a new principle of reimbursement to private individuals because they run into some difficulty with a foreign government. Is the principle of this bill going to lead to other measures to provide that, if a business is destroyed in a riot or other such difficulties, the Federal Government will provide reimbursement? In other words, is the Federal Government going to assume the burden of making whole those who suffer losses abroad—or at home—when they suffer losses while engaging in activities they consider lawful. It is very questionable practice for the Government to assume the risk of their venturing into troubled waters. In Chile and other countries of Latin America, there are great questions, for example, about fishing rights for U.S. vessels.

I think the right way to approach this problem is through diplomatic negotiations to try to reach a settlement. I do not agree with the assertion by Peru, Chile and Ecuador of a 200-mile limit. I think such a claim is absurd. I would do anything possible to help promote an agreement. But I believe that this approach of reimbursing individuals who venture into an obviously dangerous and disputed area is not the right way to go about it. It sets a precedent for Federal reimbursement of private citizens carrying great implications. I do not know how one could logically resist a similar demand by those who would say, for example, "My grocery store was broken into. It was illegal. I think I ought to be compensated."

I do not agree with such a principle of public responsibility for private losses.

We have insurance and other means for providing protection and where those are not satisfactory perhaps some changes in our domestic law are called for. In this case we ought to strengthen the international law through agreements or treaties with the countries concerned. I am for that.

We already have section 620(o) in the Foreign Aid Act, originally sponsored by the Senator from California. That deals with the question of cutting off aid. It is discretionary. It is as far as we ought to go. I was not even for that.

The Senator from Michigan has a proposal to make changes in the existing rules on our territorial limits.

I think our Government ought to pursue a solution to this complex problem in the regular diplomatic ways, seeking an international agreement on the subject. I am very sympathetic with the problem that concerns the Senator from Alaska and the Senator from California. I would like to do something about it, but I do not think this bill is the right way to do it.

Mr. BARTLETT. I am pleased to have the views of the Senator from Arkansas.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. In just a moment. I should like first to reply to the Senator from Arkansas.

This whole question is of no personal interest to me. It does not concern the State of Alaska. So whatever attitudes I hold concerning the proposed legislation are objective.

It has been stated, not once but repeatedly during consideration of this matter, that it would create a precedent. Mr. President, that is not so. The precedent, if such it be—and I have not researched the history of years long since past—has been in effect for 13 years.

In 1954, Congress passed, and it was signed into law by the President, a bill providing that the Federal Government should compensate American fishermen in circumstances where boats were taken by nationals of other countries. Compensation would be confined solely to the fines which were paid.

Since 1954, tuna vessels to the number of 54 have been seized, and shrimp boats to the number of about 67. The fines have

not amounted to a great deal of money. In all that time, the amount of fines paid out by the State Department for compensation to the fishermen has totaled only a little more than $457,000.

But we did not approach this problem with the thought that we were creating a precedent. I think the history of the prior legislation clearly shows we were not. As the Senator knows, the Committee on Commerce did not approve the bill with the amendment now suggested by the Senator from California—an amendment, by the way, of which I am a cosponsor.

As I tried to explain to the Senator from Ohio awhile ago—though quite unsuccessfully, I am sure; I hope I shall have better success with the Senator from Arkansas—the fact is that this is not to be compared with losses that might be incurred by a U.S. business located in a foreign country, nor losses that might be incurred in an American city where there were riots, for example—a subject brought up by the Senator from Ohio.

What we are trying to do here, under very strict limitations, is demonstrate to these countries which now have territorial limits of 200 miles or more, that the United States does not for one moment agree that such limits can be established unilaterally under international law.

Since the State Department and the Department of the Interior—the two departments of Government chiefly concerned—endorsed the bill reported by the committee, we have a right to assume, I suggest, that they would regard it as a calamity if American tuna boats were to stay outside the 200-mile limit. All our sessions in connection with territorial boundaries would be harmed to a certain extent if we simply ceased fishing within those waters.

If the State Department and the Department of the Interior—both of them having, as I say, a primary interest—had thought there was any doubt about the wisdom of the bill, of course, they would have submitted adverse reports. And I insist, no matter what the Comptroller General—who is not infallable—may have said in the report he made to the Committee on Commerce on this bill, that the precedent was established by the act of 1954, and we are simply building upon that.

Mr. FULBRIGHT. Will the Senator permit me, for the RECORD, to read what the Comptroller General did say on that point?

Mr. BARTLETT. I yield to the Senator for that purpose.

Mr. FULBRIGHT. This is from a letter of October 30, addressed to the chairman of the Committee on Commerce. I shall only quote a part of one paragraph:

> While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement, or an insurance program, from the Government for the value of properties that are seized by foreign countries in violation of treaties or international law. The provisions of proposed subsection 7(c) covering the establishment of fees to be paid by the owners of vessels entering into agreements under the program, allows the Secretary a considerable amount of latitude in determining what would be a reasonable portion of the cost of the program to be covered by such fees.

And so on. He obviously regards it as a precedent. I think it is an extension of the previous precedent; it seems to me very clear that it is. The fines which have been levied, as the Senator mentions, are certainly quite different from reimbursement for the total value of the ship, loss of the catch, and so on. It is certainly an extension which has grave implications, and I do not think we are justified in approaching the problem in this fashion. It ought to be resolved by diplomacy.

What the Senator says about the Secretary of State and others, I think, means they do not wish us to accept 200 miles as a territorial limit. I do not wish us to accept it, either.

This proposal as to foreign aid carries an assumption that these countries are entitled to foreign aid. I do not say that any of them are entitled to foreign aid. We make no agreement, in our foreign aid bills when we pass them, that Peru, Ecuador, or any other country is entitled to foreign aid.

There is an implication here that, "If you do not seize our ships, we will give you something; if you do, we will not."

This is, to me, a very questionable concept of foreign aid. As a matter of fact, foreign aid faces a very uncertain future this year and hereafter, and I would think, if we want a serious solution of this question, it should not be tied in with a bill so uncertain of enactment, amounts, and so on, as the foreign aid bill. Certainly, no foreign aid bill has ever specified what any country is entitled to.

Mr. BARTLETT. If I may respond briefly, I shall then yield with pleasure to my friend from Florida.

I cannot see for the life of me any reason why this principle was not established in 1954. And once a principle is in effect, it can be altered. It can be magnified, just as we seek to do now.

Let me say that primarily we are driven to means of this nature by legislative procedure because the State Department has repeatedly—and I do not know the number of times, but I imagine that the people in the State Department would have to look in their files to determine that question—tried to enter into negotiations with South American and Central American countries on this subject. They have not gotten anywhere.

What happens now? There will be a meeting among Chile, Ecuador, Peru, and the United States in Santiago on April 17. Our information is—and naturally I cannot declare it to be authoritative, but it comes through a mighty good source—that this conference, which is to be on this subject and on related subjects, was called because of the presence before the U.S. Senate of this very bill. Furthermore, the source says that if the pending bill is rejected or dropped, the conference may also be dropped.

Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, first I express my appreciation to the Senator from Alaska who is presenting this bill most ably and whose State, as he has already said, is not remotely affected directly by the pending bill for the reason that the waters between his State and the Asian mainland are covered by international agreements so that the pending bill does not apply to incidents arising there.

The bill, however, does apply in a very vital way to several important segments of the fishing industry. And I shall mention only two. They are the tuna fishing industry, which the Senator from California knows much more about than I do, and the shrimp industry, which I may know as much about as the Senator from California since my State has over 1,000 shrimp vessels engaged in that business.

I want to state my understanding about the pending bill. In 1954 we passed the existing legislation. It has been of great benefit. Most of the 67 shrimpboats that had been seized prior to the hearings on the bill—and there have been several seized since—were shrimpboats which came from the State which I represent in part, the State of Florida.

The settlements have been made by the State Department under the terms of that bill, and they have been helpful. They have not by any means covered the situation as well as it should be covered, however, and the pending bill is offered and is supported by the State Department and the Interior Department because it is meant to supplement the Act of 1954, the Fishermen's Protective Act, and to perfect it by adding certain paragraphs which make it much more effective.

One of those paragraphs will enable the pending bill to deal with the salaries of the captains and members of the crews in part, not to exceed 50 percent of their earning capacity, whether by way of salary or participation in the proceeds of the catch. No such factor as that was involved in the original 1954 bill.

Unfortunately, the shrimpboats, from my State at least, have been held up for long periods of time during which the personnel involved have lost their pay and there has been hardship on their part and on the part of their families and on the part of the communities, which are large shrimping communities.

Another of the provisions would require the participation of the fishing industry itself in the setting up of the insurance fund.

I note by the committee amendment that the original bill has been changed to prescribe that the amount of the Federal contribution shall be at least one-third, as I understand it, of the amount of the insurance fund.

Mr. BARTLETT. The contribution of the Federal Government is two-thirds, and the contribution of the fishermen is one-third.

Mr. HOLLAND. The bill has fixed a minimum to which the Federal Government will be bound.

This is no great departure. We have Federal crop insurance applicable to the producers of food which we eat daily, food that does not come from the sea. I have long been interested in that program. The Federal Government pays the administrative costs, and sometimes it has had to go beyond that, in seeing that the producers of our foods get a degree

of protection. Just as the pending bill does not give full protection, so, too, the Federal crop insurance does not. It does not pretend to take care of profits. It does try to give a basis of protection so that the growers can get most of the cost of production in the event the crop is destroyed by hail, freeze, flood, drought, or pest, and they are enabled to get some protection and are not put entirely out of business.

That is the type of bill the pending bill is, and I call attention to the fact that we are dealing with some vital foods. I dare say that one cannot go into a first-rate eating place in the city of Washington that does not periodically or daily have shrimp upon the menu. I dare say that one cannot go to such an eating place that does not have regularly or periodically tunafish upon the menu.

Those foods are acceptable portions of the ordinary menu and of the ordinary market basket necessities of people of this Nation.

The effort here is to give something comparable to the insurance protection which we give or offer to give to the agricultural industries that produce food, to those who risk their lives, their fortunes, their working capacity, and working days and nights—because that is what it is, a day and night job—in the not easy matter of taking fish or shrimp from the seas.

I do not think this is the time to go into the troublesome questions of foreign aid. I may say to my distinguished friend, the Senator from California, that I am as harassed as he is. I am as frustrated as he is. However, I think we could not expect to have the continuing support of the State Department, as we have for the bill as it comes out of committee and probably the continued support of the Department of Interior or of the administration as a whole if this particular feature were included.

I call attention to the fact that we already have insurance systems that are set up under various features of foreign aid and foreign investments in other programs to encourage our people who have money to invest and know how to use it to go into foreign countries and make investments there.

This would become an insurance program if this measure were enacted. Insofar as I am concerned, I think it will be a vast improvement over the existing law.

I have no complaint to make of the State Department. The State Department has been highly diligent in protecting a good many dozens of shrimp boats from our State which have been seized anywhere from Mexico to the coast of South America and in the Caribbean, boats which come from our State.

The State Department has been diligent, but no matter how diligent it has been, I can see that my friend, the Senator from Ohio is troubled by this matter. The pending bill does not take care of some of the necessary items. One of them involves the matter of reimbursement in part for an ordinary lost catch of the individuals involved, the captain and the crew, of a little shrimp boat. And in the case of the boats from the Pacific coast, they are a good deal bigger. They have more personnel involved on each of their boats.

Mr. President, I think this is a very helpful bill.

I say to my friend, the Senator from Arkansas [Mr. FULBRIGHT], who has a very proper concern about the question of negotiations and that this is a question that has been negotiated ad nauseam. We had an international convention on the subject of the rights of the sea and the rights of property in the underlying bed of the sea a few years ago. We were able to get the necessary two-thirds vote on the question of the right to property interest that could be developed from the seabed.

I believe it requires a vote of more than two-thirds of the nations of the earth. I am not an expert on foreign matters and international law, but that is my recollection. It is also my recollection that we lacked just a vote or two in getting sufficient votes to agree on a limit well beyond our 3-mile limit.

Mr. FULBRIGHT. I believe it was just one vote.

Mr. HOLLAND. One vote. I am glad that the Senator has added that fact. My recollection is that they were over there months in the course of that negotiation.

So this is a question that has not been ignored and has not been neglected, but it is a question in which, as I see it, the production of foods that we like, foods which are necessary now as part of the menu of our Nation, depends upon some better structure than that which exists.

I congratulate the committee upon having worked out this bill, and I hope that the distinguished Senator from California will not think I am being critical, because I am just as frustrated as he is. I would like to put some penalties somewhere, but the State Department, in its report approving this bill, called attention to the fact that this is an international claim of our Nation against other nations, like other international claims, and must be followed up in the international way—that is, by diplomatic means.

I am afraid that if we added this amendment, we would be in trouble with respect to getting the bill approved. So I hope the Senator from California will reconsider the intention that he has announced to offer this amendment.

Mr. President, I am not an expert on this matter, but on numerous occasions I have attempted to work out these matters between the owners of shrimp boats in our State. As I have said, we have more than a thousand such shrimp boats operating in the waters which are affected, in the gulf and the Caribbean. I have been confronted with these troubles repeatedly, and the present law does not adequately take care of the situation. It does not require any participation by investment on the part of the boatowners. I believe that provision is good, as well as the holding of the compensation to 50 percent of their earnings, based upon their previous earnings for a certain period of time, because it certainly does not offer any inducement to anybody to disobey the law or to knowingly get into trouble with our neighboring nations.

I hope we can pass this bill just as it is presented. I believe a good job has been done on it. I again congratulate the Senator from Alaska. And again I say that I hope the distinguished Senator from California will be patient enough to let us see if the new law would more adequately take care of the situation, without trying to put a penalty into the law. I am sure that the enactment of his bill with the penalty provision would bring the bill into much greater question than it is now. We now have the written approval of the departments that would be directly affected—that is, the Department of State and the Department of the Interior.

Furthermore, the amendment on the one-third contribution by the fishermen and the two-thirds contribution by the Federal Government, which the committee has placed in the bill, is to meet, as I understand it, the criticism made by the General Accounting Office or by the Bureau of the Budget, one or the other. I have read the various reports and I believe the bill should meet that criticism, because it does fix reasonably the limitation which could be applied upon the Federal contribution.

I hope that we will enact this bill for the 4 years covered by it—it is a temporary measure—as a further experiment in this field, because it is based clearly upon the inadequacies of the present law which already have been developed.

I might add that I have talked repeatedly not only with the boatowners and the crews, but also with the personnel of our State Department. I have even talked with personnel representing some of our friendly nations in Latin America—that is, from Mexico down as far as El Salvador.

Mr. BARTLETT. Peru?

Mr. HOLLAND. No, because our contacts have been entirely in the gulf and in the Caribbean. I do not recall having any definite contacts with any officials of other nations except down as far as Nicaragua.

Mr. FULBRIGHT. Is that where they get the big ones?

Mr. HOLLAND. They get big ones off the coast of Florida, and they get big ones down there. I can tell by the remarks of my friend the Senator from Arkansas that he is somewhat of a gourmet when it comes to the consumption of shrimp. They are mighty good, and they are part of our necessary diet. I believe they have become the most valuable single item that we take from the sea. The Senator from Alaska can correct me in that respect, if I am wrong, but I have been told repeatedly that that has become the situation.

So I hope that this bill will be passed as reported by the committee.

Mr. BARTLETT. Mr. President, I thank the Senator from Florida for his very distinct contribution to this debate.

As the Senator from Florida has said, shrimp is the most important fish, by far, in terms of dollars, produced in the United States. Unhappily, despite this, we are forced to import some. But this helps our friends and neighbors.

I wish to reiterate one fact, so that it will be clear to Senators who may have entered the Chamber after this discussion commenced. Under the terms of this bill, we are not proposing an unlimited Federal appropriation. By no means are we proposing any such thing. The measure, as the Senator from Florida and others have pointed out, is temporary in nature, extending only 4 years; and the Federal participation, by the terms of the amendment offered by the committee and agreed to on the floor earlier this afternoon, is limited to $150,000 a year.

I take a view contrary to that held by the Senator from Arkansas and the Senator from Ohio. I do not believe they are correct when they say that in this bill we are adopting an entirely new principle. I believe the principle was established in 1954. What is sought by this bill is merely to give the fishermen needed additional protection.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield.

Mr. FULBRIGHT. I do not wish to prolong the matter, but how does the Senator distinguish between fishermen who suffer from what we consider illegal acts and any other businessman? Suppose a man goes to Mexico or Ecuador and he is mistreated by the local authorities through excessive taxes or some other way, and loses his business. How are we going to turn him down if a bill comes in to reimburse him for all his losses? In other words, why are fishermen picked out for this very special treatment?

The guarantee program that the Senator from Florida mentioned a moment ago does not pick out a special kind of businessman and say, "If you do follow a particular area, we are going to give you this subsidy." This bill picks out fishermen. This is very special legislation. Why is it not made to cover everybody who does business and runs into trouble with a foreign country?

I am raising these questions because it is a very difficult problem—it is a difficult area. The precedent here strikes me as a little dangerous.

These matters ought to be settled by diplomatic means. I cannot deny what the Senator from Florida said about shrimp. We do subsidize the producers of certain domestic agricultural activities. There is no doubt about that. However, there is a distinction establishing the principle of subsidization abroad. We are going to give special treatment to this group because they run afoul of the laws of a foreign country. I am bothered by the effect of this legislation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. The Senator from Florida is ready to respond, and so am I. I yield first to the Senator from Florida. Then, I shall respond.

Mr. HOLLAND. I thank the Senator for yielding and paying that much courtesy to my gray hairs. I appreciate that.

I wish to point out to my friend that there is a very great difference between the two situations.

If I, as an American citizen, go into a foreign country to invest my time and money I know I am subjecting myself to the laws of that country and their enforcement.

If I am fishing on the high seas, as contended by us and as contended by the great majority of nations of the earth, the question there is, do we cease to have any interest in our citizens who are not within a foreign country, but to the contrary, are in a jurisdiction we claim is international. We claim that strongly. They are still within the protection of our flag and they are still within the protection of our philosophy. What constitutes international waters? The two cases are not similar at all.

Any objection that the Senator from Arkansas might have is really directed at laws presently existing on the books since 1954, because this proposed law would simply correct the deficiencies already found to exist, particularly with reference to the protection of the personnel, who, I think the Senator will agree with me, are as richly entitled to be protected by their home country as the owner of the boat and the equipment.

It also establishes a pretty good American principle, the one of self-help, by making this insurance program a mutual insurance program between our Nation, in protecting rights we defend, and the individuals who are in the business in subserving rights which they have. I think there is a great difference.

I yield to my youthful friend from Alaska. I thank him for having yielded to me.

Mr. BARTLETT. I accept the burden gladly.

Really, there is not much to add to that which has been said by the Senator from Florida. There is an essential difference, of course.

Let us say an American businessman goes to a South American country and establishes a business. He does so in conformity with all existing laws and regulations of that particular country. I do not know if it ever happened in this particular area of the world, but let us suppose has happened elsewhere, his property is expropriated. An ordinary business venture based upon such a situation, it does not seem to me, can be compared with what the American fisherman is confronted when he fishes in waters which are held by the U.S. Government to be international in character and held by the country, off of whose coast the waters lie, to be part of its territorial sea.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. FULBRIGHT. This matter is important. I do not see the distinction where he is conforming to the law as we believe it to be, and when his business is expropriated.

I have some cases in mind where in connection with public utilities they are refused a request to allow them to adjust their rates, and they are forced to sell at a sacrifice. I cannot see any difference where they mistreat a businessman and where they mistreat a fisherman. I like fishermen, and I like shrimp.

However, as a matter of principle, why does the fisherman have preference over a fellow who invested in an electronic plant and they take his plant?

Mr. BARTLETT. Mr. President, I feel that the thinking of the distinguished Senator from Arkansas does not meet with the thinking of the Senator from Florida or the Senator from Alaska in this instance.

I think the answer might be found in a statement made by Ambassador McKernan, of the State Department, in testimony before the Committee on Commerce on this subject, when he said:

> It seems to me, Mr. Chairman, that the fisherman is protecting the rights of Americans on the high seas, and it is unfortunate that he has been made to carry such a heavy burden and disproportionate load.

I yield to the Senator from California.

Mr. KUCHEL. I thank the Senator for yielding. I shall speak only briefly.

I believe the Senator from Florida made a superb contribution to the record. He has helped to educate me on the basic need for the bill.

I do wish to say that, as the Senator knows, we have had a series of seizures, up until the last one occurred just a matter of weeks ago.

I rather think it would have a salutary effect if we provided for economic sanctions against our neighbors. I think that some people have gone so far as to suggest that we run part of our Navy down there and say, "Do not interfere with our vessels." That is not the way to get along with our neighbors. I do think we should say, "We are not going to let you make a monkey out of Uncle Sam." Therefore, I am hopeful that the amendment which the Senator from Alaska, the Senator from Washington, and I jointly sponsor, will be agreed to.

Mr. President, I ask unanimous consent that the name of my distinguished colleague [Mr. MURPHY] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. I hope that my able friend from Florida would feel that the ends of justice and equity would be served by adopting this kind of amendment. However, I do not want to prolong the argument.

Mr. HOLLAND. I appreciate the tone of the Senator from California. We are interested in exactly the same objectives. He has spoken of providing assistance and of sending the Navy down. The trouble is that we have already sent the Navy down, and have even given elements of the Navy to countries which are our friends, and they are operating those ships to seize our vessels. That happened in two of the countries about which I know. The seizures were accomplished by small naval vessels given freely by our country to those Central American countries which are our very close friends in many respects—one of them, I think, our closest friend in the hemisphere. That has added greatly to the feeling of frustration and sometimes to the hostility that prevails in that fishing group.

Mr. President, I see no objection at all to improving and making more perfect a law already on the books, particularly when it is done in a way that brings in participation by the industry itself. It will have to contribute its own money to come under the law, which is not now the case, and particularly, also, for the first time, it will assure the continuance of some income to the poor

devils who are seized and thrown into jail and kept from making a living for periods of days, sometimes periods of weeks.

Those two improvements—and they are a part of the amendment—are what most appeal to me. I strongly favor this perfection—that is how I regard it—of the law now on the books.

I thank the Senator for yielding.

Mr. KUCHEL. Mr. President, I move the adoption of the amendment.

Mr. MURPHY. Mr. President, in supporting S. 2269. and Senator KUCHEL's amendment thereto, I renew my call for increased protection for American fishermen.

During the past 7 years, Ecuador and Peru alone have seized 57 U.S. fishing vessels operating in international waters.

How can we prohibit similar incidents in the future? There is only one way which I can see. The United States must bring Ecuador, Peru, and the other nations claiming fisheries jurisdictions of 200 miles to the conference table and reach an accord as to the outer boundaries of the territorial sea and fisheries jurisdiction.

While international law does not specify the exact breadth of the territorial sea, in 1957, the International Law Commission determined that in no case should the outer limits of the territorial sea exceed a distance of 12 miles from the shore.

Then in 1958 and 1960 United Nations Conferences on the Law of the Sea were held at Geneva. While no definite limits were set, a U.S. compromise—authorizing a 6-mile territorial sea and a 6-mile fisheries jurisdiction, subject only to historic rights, failed by only one vote to receive the support of the necessary two-thirds of the 87 participating nations.

That far more than a majority of the countries favored the U.S. proposal is indicative, Mr. President, of the sentiment in the world community for a territorial sea and fisheries jurisdiction not to exceed 12 miles. It is indicative as well of the hope of other nations to resolve the discrepant claims which exist.

With this in mind, it is inconceivable to me that Ecuador, Chile, Peru, Argentina, Nicaragua, Panama, and El Salvador should claim a 200-mile limit.

Reconciliation of our differences, Mr. President, can only come through mediation at a conference where good faith negotiations are employed. I have called for such a conference in the past, and I am taking this opportunity to do so again.

Yet we know that the chances of such a conference are slight. There has been no indication of the willingness of all the nations to meet, nor have Chile, Ecuador, or Peru made any efforts to resolve the problem in a four-nation conference with the United States. To the contrary, they have aggravated it with flagrant and frequent violations.

On March 13, a shocking incident occurred. After the *City of Tacoma* had been seized 45 miles off the cost of Peru, the armed guards who boarded the vessel opened fire from the U.S. ship against an Ecuadorian vessel and thereby invited retaliation which would have jeopardized the lives of the entire U.S. crew.

This incident came only a few months after another episode which demonstrated vividly the adamant attitude which Ecuador and Peru have maintained concerning this issue.

This incident occurred when former Ambassador McKernan, now Assistant Secretary of State for Fish and Wildlife Service, attempted to initiate a conference between the United States, Ecuador, and Peru to attempt to settle the differences between these countries regarding their sea claims.

After receiving assurances from Ecuador and Peru that they were willing to negotiate, the U.S. vessel *Puritan* was seized as McKernan boarded his plane back to this country.

While I continue to stress the necessity of good-faith meetings between these countries and the United States, my hopes of it taking place obviously are not great. Therefore, I support S. 2269 and Senator KUCHEL's amendment which, I believe, offer temporary protection to fishing vessel owners and their crews whose financial and physical well-being have been so often jeopardized by these acts of piracy on the part of our Latin American neighbors.

At present, vessel owners are only reimbursed under the Fisherman's Protection Act for the fines they pay. S. 2269 will broaden the coverage of reimbursements to include all direct charges to the boatowner—not only fines, but costly registration and license fees, as well.

Furthermore, it establishes a guarantee program requiring compensation for damage to the vessel, 50 percent of the estimated gross income lost as a result of the seizure, and the market value of the fish spoiled during confinement.

However, this alone is not enough. It serves to mitigate the damage done to the boatowner, but it will not prevent further occurrences. The amendment introduced by Senator KUCHEL will.

In 1965, Mr. President, the Congress amended the Foreign Aid Assistance Act of 1954, so as to permit the President to withhold foreign aid payments to any country which seized or imposed fines or penalties on any of our fishing boats operating in international waters.

Originally, we had intended to require such a cutoff of funds; however, the Congress saw fit to leave the prerogative with the President. Now, 3 years later, I must wonder why? The President has never invoked this power. His actions are long overdue, yet I doubt they will be forthcoming with any future seizures.

Consequently, Senator KUCHEL has seen fit to require the Secretary of State to take any necessary action to collect amounts expended by the United States to reimburse fishing vessel owners for the fines, license fees, registration fees, and other direct charges and losses incurred as a result of the seizure and confinement of their vessels; and then, if the Secretary fails to receive reimbursement, for the President to suspend assistance payments to that country making the seizure.

Mr. President, until the various claims as to fisheries jurisdictions are resolved by the International Court of Justice—to whom the United States has tried to submit the case, but to whom the other nations have refused to let it be taken—or by an international conference, we must provide for the losses sustained by our fishermen and we must curtail foreign aid to those nations who do not immediately cease their piracies.

Mr. LAUSCHE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO LYNDON JOHNSON

Mr. CHURCH. Mr. President, Sunday night, following the President's remarkable address to the Nation, I said:

> This is Lyndon Johnson's finest hour. He is taking those steps best suited to bringing an end to the war in Vietnam, and he is making the supreme political sacrifice to further strengthen his search for peace. Every American tonight should honor the President of the United States.

Today's response from Hanoi, indicating a willingness to initiate preliminary discussions, is the first hopeful development to come out of Vietnam in years.

At long last, I can now see a glimmer of light at the end of the tunnel, even though the path ahead is still highly uncertain.

President Johnson deserves much praise for the forthright action he has taken. No one, at home or abroad, can any longer doubt his sincerity of purpose.

In his new undertaking to end the war in Vietnam, the President is entitled to the united support of the American people.

TODAY'S OFFER TO NEGOTIATE FROM HANOI

Mr. JAVITS. Mr. President, I, too, would like to make a brief statement on the reports coming out of Hanoi this morning.

Hanoi's offer to talk about how to begin peace talks should be accepted. The important thing is to get talks started and to build a momentum for substantive negotiations. Hanoi's statement is ambiguous and disappointing in its rigidity; but there is room in the "bombing restraint" announced by the President for further implementation, and the way to resume is—as I said long ago—to resume.

In February 1967, I called for an unconditional bombing cessation which would "expect"—I used that word at that time—that Hanoi would not use the cessation to further its own military buildup. This would not have required Hanoi's prior agreement to negotiate. I was perhaps the first Senator to say so—subsequently the President took the same position.

In my judgment, the administration missed the boat in February 1967—I spoke then in Buffalo, N.Y., at a great Lincoln Day celebration—by not ordering an unconditional cessation, because there was then an auspicious international framework for negotiations.

Nonetheless, it is never too late to do what is right.

Mr. President, it is time to mark a "beginning of the end" of the Vietnam engagement. That is what our people and the world want and what the situation requires. It may come if we now agree to talk with Hanoi's representatives—as I strongly urge the President that we should.

THE BUSINESS OF BANKING

Mr. HOLLAND. Mr. President, on March 22, 1968, the Comptroller of the Currency, Hon. William B. Camp, spoke before the Florida Bankers Association at Bal Harbour, Fla.

We heard a great deal about our economy and fiscal policies during the course of the debate on H.R. 15414. I feel that Mr. Camp's remarks, in which he discusses the role the banking system of our country plays as a critical component of our industry, commerce, and economy of the Nation, are most appropriate, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE BUSINESS OF BANKING

(Remarks of William B. Camp, Comptroller of the Currency, before the Florida Bankers Association, Bal Harbour, Fla.)

I am always pleased to have the opportunity to come to the Sunshine State of Florida. I have been here several times on both business and pleasure, sometimes to attend conferences, sometimes to relax and fish and enjoy your splendid climate and scenery. But on every visit, I have been most impressed by the warmth of your hospitality and by the considerate treatment you accord to all your visitors.

For a number of reasons, I do not plan to spend April in Paris. The opportunity to spend even a short part of March in Florida is more than adequate compensation. And the opportunity to meet again with my many friends of the Florida Bankers Association is doubly welcome.

I do not travel as much as some of my Texas friends, but I feel about the same as a fellow Texan I know who walked up to an airline ticket counter and said, "Give me a ticket."

"Where to, sir?" the girl behind the ticket counter asked.

"It doesn't make any difference," the Texan replied. "I've got business everywhere."

Since becoming Comptroller I have found that I, too, have business almost everywhere, even though it doesn't always take me to such pleasant surroundings as these. Wherever I do go, I am impressed again and again with the evidence I see of the strength and soundness of our National Banking System—and indeed with the healthy growth and steady progress of the commercial banking system as a whole.

While in the process of preparing my remarks to you today, I quite fortunately received a publication entitled "Freedom of Choice" sponsored by The Magazine Publishers Association, an association of 365 leading United States magazines. While thumbing through this publication, a caption on one of the pages immediately caught my eye. In bold print at the top of the page it stated, "Don't throw the baby out with the bathwater." I was quite impressed by the contents of this particular page, as it sets forth the basic theme of my talk to you today. With your indulgence I would like to read it to you:

"There's a funny thing about the American economy. Ask any two economists what makes it tick and you've started a debate.

"Because, the simple, ingenuous truth of the matter is this: nobody really knows or agrees on all the influences that combine to give it muscle. Or, where all its weaknesses may lie.

"All you'll get agreement on is that it seems to work. It has produced the broadest and most abundant prosperity in all the histories of man . . . the highest standard of living for the greatest number of people.

"The heart of this restless, surging, vital economy is and always has been: free competition. That's what has distinguished it from the managed economies of the Old World . . . economies managed either by government or by cartel.

"Competition has been the sharp spur that has produced the incredible variety of products and services we have today. It has produced the endless innovations that have made life easier to live. More enjoyable. More rewarding.

"It has encouraged manufacturers to build more things . . . and build them better . . . and at lower prices. They have to build more and better . . . and the prices have to be right . . . or the consumer stops buying. Because, the other side of free competition is *your free choice in the marketplace.*

"This is the astonishing power of the American consumer. He can make or break the largest businesses with a nod or a shake of the head. He has the choice. He has the ballot of the dollar.

"That's why it is disturbing to find people of influence in America today who would like to make both free competition and free choice a little less free. They may concede that the system has produced some great results but they'd like to 'fix it a little.' There are too many kinds of olives, they say. Let's standardize. Company 'A' spends more on advertising than Company 'B', and that's unfair competition, they plead. Let's regulate.

"Yet, our system was built on exactly the opposite kind of thinking. Regulation doesn't stimulate competition. It tends to make all products the same.

"How much can you interfere with the competitive economy, which has brought us so many benefits, without damaging it? The truth is, nobody knows. The 'Little' fixes may someday add up to quite a lot.

"Of course, any economy needs some regulation—*but let's be sure that we don't throw out the baby with the bath water.*"

One of the most precious freedoms we enjoy in our country is the liberty of the individual to choose a career and to pursue it at the point of his choice. In the world of industry and commerce, this principle finds expression in the latitude to enter any field of production or distribution and to serve any class of consumers. The phenomenal achievements of our economy are thought by many to rest more on the great national markets we have opened to all forms of enterprise than upon any other single factor. The advances in communication and transportation we have experienced, have made this, more than ever, a reality.

Under the influence of this freedom, we have developed the arts of specialization more highly than any other Nation. You who live in the State of Florida have seen the fruits of these developments. Your wonderful year-round climate has come increasingly within the reach of the growing numbers of our citizens who can afford the pursuits of leisure and the comforts of retirement—and this has enabled you to exploit these advantages to a high degree. The technological advances which have been made possible by the strength of our economy have enabled us to explore beyond the boundaries of Earth—and Florida, as a result of its strategic location, has stood in the forefront of these pioneering endeavors which hold untold promise for the future.

We are witnessing today comparable efforts on the part of the banking industry—throughout the Nation—to realize more fully its highly-specialized capacity to perform a broader range of financial functions so essential to the further progress of our economy. These responses to long-neglected opportunities have spurred the introduction of many new banking services and facilities—and have provoked some to question the appropriate role of the banking system in our society. What, exactly, it is being asked, is the proper scope of the business of banking?

One aspect of the banking business—branch banking—has been drawing increased attention in recent years. Understandably, this attention has been centered in those States which impose the most severe limitations on branching. In many of these States, there has been a growing movement in recent years to liberalize the laws relating to branch banking. This movement has, so far, met with varied success—but it has been gaining force. It would be worthwhile to examine the reasons for this support, and the merits of this policy.

Branch banking is not a new issue in our country—even though in other industrialized countries this form of bank expansion has had general acceptance for many years. Much of the discussion of branch banking in recent years has been clouded by questions of existing law, by the divided authority over banks, and by the varied interests of competing banks and their non-bank rivals. But there is a genuine issue of public policy here which must be faced if we are to resolve this question properly.

The success with which we improve the mobility of our financial resources will vitally affect our future capacity to advance the well-being of our citizens. Because human and material resources are not always as mobile, it is especially important that financial resources should move quickly and sensitively to the points at which they may be used to best advantage. This places a particular responsibility upon the local banker and his capacities—for it is upon his capabilities, his alertness, his judgment, and his initiative that the pace of enterprise in his community will be highly dependent. For this reason, there is broad public concern to see that the banking system throughout the Nation operates at the highest level of efficiency.

Traditionally, we have relied upon the forces of individual initiative and private enterprise to search out the most effective and most efficient means of utilizing our productive capacity in serving consumer needs. But in banking, this freedom does not exist. The structure of banking is under public control—no bank may be formed, branch, or merge without the approval of a public authority.

This places upon the banking authorities the responsibility for determining the best combinations of the various means of bank expansion in particular banking markets—according to the growing and changing needs for banking services and facilities in those markets, and bearing in mind the fact that the initiative for expansion still remains with the individual bank. Branching represents but one of the means for providing an expansion of banking facilities and services—and it is in this light that branching policy should be viewed. If this method is foreclosed, the pressure of demand may force the use of other—and in some instances less efficient—means of expanding available financial services. The growth of affiliate and satellite banking, holding companies, and many of our non-bank financial institutions, reflects in some degree the limitations which have been placed upon bank expansion through branching.

Much of the discussion of branch banking has been diverted from the basic issues of economy and efficiency because of the fear by many smaller banks that more liberal branching would lead to their extinction, and

because of the differences in branching laws among the various States.

Nothing in our experience, however, would confirm the fears of smaller banks. Indeed, the record shows that the restriction of branching, where there are market deficiencies, encourages the chartering of new banks, the formation of branching substitutes, and the growth of non-bank financial institutions.

Bankers have long been accustomed to giving advice. But, lately, they have been getting a lot of advice on how to run their own business—not so much from the regulatory authorities who are also accustomed to giving advice, but from their competitors. Strangely enough, some of these same competitors have been striving mightily to become more like bankers—a form of flattery that I am sure we all appreciate.

A generation of bankers whose experience embraced the unsettling years of the Great Depression and the restrictive banking legislation of that period, were taught to view the conduct of banking operations with extreme caution—almost with a sense of guilt for the reverses of the early thirties which more accurately could have been ascribed to the deficiencies of monetary policy and the lack of a system of deposit insurance. Under the influence of this constricting counsel—and during a period in which the Nation experienced its most rapid rate of technological advance and economic growth—the banking industry responded slowly, and only spasmodically, to the revolutionary changes that were taking place.

The non-bank financial institutions were not so reserved in taking advantage of the opportunities which appeared. They grew more rapidly than commercial banks in this period, and they took many new forms designed to meet emerging consumer demands.

Today, a new generation of bankers is appearing on the horizon—a generation with only a dim recollection of past fears, highly-trained in modern-day skills, alive to the opportunities for the expansion and modernization of banking services, and insistent upon exploring these opportunities. In the regulatory agencies, we have sought to reshape the pattern of public controls so that all new avenues for the performance of financial services that banks may safely pursue are held open.

Not unnaturally, this new force in the banking industry has met opposition from competitors although, interestingly, not from the consumers of banking services. The banking industry has a great un-utilized potential, and it represents a formidable latent factor in all financial markets. The question we face is: How far should the extension of banking functions be limited, and by what standards?

The paramount issue is to determine the public interest. It is repugnant to the most basic principles of our private enterprise economy to restrict entry or competition in any market, unless that competition is destructive of the very freedom of initiative that we seek to sustain.

There is a great deal of confusion—or at least of pretense—on this point. Entry into banking and bank expansion are restricted, and we closely supervise the conduct of banking operations. But these controls are designed solely to safeguard the solvency and liquidity of the banking system. It is of the most critical importance, in the dynamic economy that our banking industry serves, to make certain that, within these limits, banking initiative is fully preserved.

It is an extremely delicate task to regulate an industry without destroying or seriously impairing its will to explore and experiment. And it is easy enough for both the regulator and the regulated to fall into the comfortable habit of imposing and accepting rigid rules of conduct under the illusion that the industry can be insulated from the inexorable tests of the market place. But where an industry fails to adapt to the times—and particularly where a regulated industry faces competition from unregulated rivals, as is true of banking—the consequences are likely to be crippling.

During the past three decades, we have witnessed dramatic changes in our society, in our economy, and in our relationships with the World around us. There have been profound effects upon the demand for financial services, and the banking industry is only now in the process of catching up with these events.

The demand for financial services—which lies at the base of the business of banking—is dependent upon the income and tastes of individuals, the state of technology, and the capital needs of industry and commerce. These are self-generating processes, and they are constantly undergoing change.

As incomes rise, a Nation is able to devote more of its resources to capital-intensive means of production, to undertake more research devoted to the advance of technology, and to spend more on the training of its citizens. As a consequence, incomes tend to rise further, and the process is repeated. In the course of these events, tastes change, new products and new industries emerge, and the economy becomes more highly industrialized and more highly specialized.

More significantly for our purpose, the demands for financial services constantly grow and change. Individuals with rising incomes save more, invest more, purchase more durable goods (which often involves borrowing in anticipation of higher incomes) and set aside more for the education of their children and for sickness, retirement and old age. The financing requirements of industry and commerce also rise as new technology is developed and put to work, new industries emerge, new products are introduced, and new markets are penetrated and explored. Modern production and distribution methods require ever more highly-trained personnel and more expensive instrumentation.

The response of financial markets has been to develop a host of new instruments and institutions to bring together more effectively those who have resources to lend or invest and those who manage or utilize these resources. It is to this environment that the banking industry of our country has had to adapt, in the face of rising competition for the resources they dispense and the services they offer—a competition that is, on the whole, less restrained by regulatory barriers. The recent resurgence of banking initiative in vastly broadening the range of its services reflects the efforts of the banking industry to meet the challenge of today's world of finance—to employ the most expert personnel and advanced technology feasible, and to react more sensitively and more quickly to changing consumer needs and competitive pressures.

A few illustrations may serve to indicate the manner in which the banking industry—now alive to its potential—has moved to improve its effectiveness and its efficiency. In order to compete more forcefully for the funds which constitute the raw material of their operations, many banks have introduced and expanded the use of certificates of deposit, issued preferred stock, capital debentures, and promissory notes, and expended greater efforts to attract savings accounts. They have entered more vigorously the long-neglected consumer loan and mortgage markets, and they have inaugurated credit card and overdraft facilities in order to make their services available more conveniently to a broader range of consumers. To accommodate the growing number of our citizens who travel, either for business or pleasure, there has been a notable expansion of travel check and related travel facilities. Mobile services have been undertaken in order to make banking facilities more readily available. And collective investment of managing agency accounts has brought the expertise of banks within the reach of many small investors.

To serve the growing and changing financial requirements of the world of industry and commerce, banks have entered the fields of leasing and factoring, and they have participated more actively in the financing of our foreign trade. As they have applied computer technology to their own operations, they have offered these services to others in order to make the most efficient use of these facilities. Comparable extensions have been made of the services of the increasing number of expert and specialized personnel on the staffs of banks, and payroll and accounting functions have been performed for many more customers. And to assist more effectively in meeting the pressing financial needs of local governmental instrumentalities at minimum costs, banks have underwritten revenue bonds and participated in community development loans.

This list of expanded banking services could be greatly enlarged, and it will grow if banks are allowed to shape their operations in response to the demands of today's more sophisticated financial managers, both individual and corporate. Commercial banks are best equipped, among our financial institutions, to perform the wide variety of financial services which our growing and dynamic economy requires. Their greater awareness of these opportunities, and their alert and energetic response to these prospects, is the dominant characteristic of recent banking history. It is eloquent testimony to the foresight and enterprise of the new generation of bankers who have made their influence felt throughout the financial community, a development that should be commended and encouraged.

This is a time of testing for democratic societies—a testing of whether we shall be able to achieve the goals we have set while preserving the liberty of the individual. At home, we face growing aspirations by many of our less fortunate citizens who find it difficult to earn a place in the age of technology. Abroad, our national interests and the principles which are vital to our survival are undergoing severe challenge. We need, as never before, to harness fully our great productive potential. Every means of improving these endeavors should be fostered and supported.

The banking system of our country is a critical component of our industry and commerce. We cannot afford the luxury of allowing this pervasive instrumentality—which reaches into the daily lives of all our citizens, and affects the efficiency and pace of enterprise throughout the economy—to be hampered in the full and prudent exercise of its productive capacity. All of us have a stake in this goal to search out every opportunity for the banking industry to extend and improve its service to the community and the Nation.

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BROADER VIEW OF THE ASIA TRAGEDY

Mr. KUCHEL. Mr. President, some of the critics of America's role in Southeast Asia treat the subject almost as if there is no risk to our withdrawal from the scene. Indeed, the full dimension of this tragedy is shown by the inability of the antagonists in this debate to see clearly what is at stake for Asia, for America, and for the world.

Our allies in Asia have repeatedly

pointed out their deep concern over the implications of a Communist victory. This morning's Washington Post correctly emphasizes the acute need to see the tragedy of Southeast Asia in its fullest context.

It reads in part:

Prime Minister Tunku Abdul Rahman last week told visiting Australian and New Zealand journalists that a North Vietnamese takeover would spell doom for Southeast Asia. He said: "If the Americans for some reason decided to give up this war in Vietnam and the North decided to take over the South, then it will be the end of us all."

There is need for support from our allies and, more importantly, there is need for us to see just what precisely is at stake. I ask unanimous consent that the excellent editorial from the Washington Post be placed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A MALAYSIAN VIEW

A cry of anguish from Malaysia surely will jolt thoughtful Americans who have a parochial and insular preoccupation with South Vietnam as a situation apart from the rest of that region of the world.

Prime Minister Tunku Abdul Rahman last week told visiting Australian and New Zealand journalists that a North Vietnamese takeover would spell doom for Southeast Asia. He said: "If the Americans for some reason decided to give up this war in Vietnam and the North decided to take over the South, then it will be the end of us all."

Not many in the United States are talking about just "giving up" in South Vietnam and fewer are advocating openly a Communist North Vietnam takeover. But whether the Premier's fears are justified or not, they make it clear that we are dealing with a crisis that will affect and influence the fate of most of the countries of Southeast Asia, and perhaps of all South Asia.

The Premier, in case of American withdrawal, foresees trouble in Malaysia and in Thailand. And he grimly conceives of the war as arraying the Soviet Union and China against the United States and the West. This may be putting the Vietnam crisis in its most apocalyptic frame, but it is a Southeast Asian view that cannot be lightly dismissed.

Neither can anyone lightly dismiss the Premier's thoughtful conclusion that a Communist-non Communist South Vietnam government will not work. He has had as much experience with Asian communism as any statesman in the region and his credentials as an interpreter of both Asian communism and the reactions of Asians to it are pretty good.

If South Vietnam does indeed have the larger significance that the Tunku gives it, two broad conclusions logically derive from his views. One is that the resistance to a North Vietnamese takeover deserves a lot more support from the rest of South Asia than it has had. The second is that the ultimate solution probably lies outside the immediate theater of conflict in Vietnam in a broader world-wide or regional Asian accommodation.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNLAWFUL SEIZURE OF U.S. FISHING VESSELS

The Senate resumed the consideration of the bill (S. 2269) to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

Mr. LAUSCHE. Mr. President, I shall later offer an amendment in the nature of a substitute for the amendment offered by the Senator from California, the Senator from Alaska, and others to the bill now pending before this body.

The amendment of the Senator from California provides that if and when a foreign country seizes a fishing vessel owned and operated by a national of the United States, foreign aid to that country shall be suspended until such time as the particular country reimburses the United States for whatever indemnity the United States has been required to pay to the vessel owner, under the provisions of the pending bill, if it is enacted.

My amendment, instead of suspending the granting of foreign aid, will absolutely disqualify the seizing country from obtaining foreign aid from the U.S. Government, until such time as it has given assurance to the United States of its purpose to discontinue the practice of harassing American vessels on the high seas.

The difference between the amendment of the Senator from California and my amendment is that mine would provide for an absolute bar against any foreign country receiving foreign aid from the United States if and when it seizes American vessels on the high seas or in international waters, and would not merely suspend the payment until the country reimburses the United States for the indemnity which our country has had to pay.

With due respect to the Senator from California, his proposal says, in effect, to the foreign country, "We will suspend foreign aid until you pay us an amount equal to the indemnity which we have had to pay to the American vessel owner." That is a rather novel way of doing business: "You pay us what we have paid out, and we will again give you foreign aid."

All they will do is keep asking for foreign aid, and continue to seize U.S. ships.

I shall at a later time send my amendment to the desk, but now I should like to discuss the pending bill itself.

Mr. President, S. 229 was sent to the Committee on Foreign Relations at my suggestion, after it had been favorably reported by the Committee on Commerce. I am a member of the Committee on Foreign Relations, and I fought against approval of the bill by that committee. The members of the Committee on Foreign Relations, after hearing testimony, voted 13 to 5 to report the bill unfavorably.

The members of the committee are well aware of the difficulties American fishing vessels have encountered while operating in South American waters. They believe that the rights such vessels assert should be supported vigorously by the full diplomatic resources of our Government. But two important principles which are involved here caused the committee to reject the bill.

Those important principles are as follows:

First. The bill would give preferential treatment to fishermen whose rights are violated by foreign governments. It would give to the fishermen treatment of a nature that is not accorded to other citizens of the United States whose rights are violated by foreign governments. The Senate is asked to provide a special privilege for the fishermen of our country. We are asking to provide that special privilege while similar privileges are not accorded to other U.S. citizens.

Second. The bill would establish a precedent that the U.S. Government will indemnify its citizens if and when they suffer damage by violence, either internationally or domestically, through violations of law.

I need not mention the fact, since it is generally known, but we have had riots around the country. Those riots occurred because government was not able to maintain law and order. Dwellings were burned down. Businesses were looted. Business houses were destroyed. This all occurred through the failure of either the local, the State, or the Federal Government to maintain law and order.

If we provide special treatment for the fishermen, on what theory can we say that the victim of a riot ought not to be indemnified by Government?

The citizen in the District of Columbia who walks the streets and is assaulted and robbed suffers damage because of the failure of the government to protect him. Is it proposed that we shall indemnify those victims for the damages which they suffer? Of course, it is not.

American investments are made in foreign countries. Those investments are seized by a foreign government. It happened in Cuba. It happened in Ceylon. It happened in South American countries. Does the Government of the United States reimburse that American national who has suffered the confiscation of his property? It does not.

Governments in Europe have seized bank deposits of American citizens. That has been especially true in Yugoslavia. Does the Government reimburse a citizen for the loss which he sustained through such an unlawful seizure? It does not.

Yet, it is proposed by the pending bill that one special segment of our economy shall be given special consideration and special privileges. The Committee on Foreign Relations does not believe that fishing vessel owners should be singled out for preferential treatment over that treatment afforded other Americans who have suffered loss at the hands of a foreign government while they are engaged in activities which our Government considers to be lawful, but which a foreign government says is illegal.

To do so would discriminate against many other Americans with claims against foreign governments for the infringement of rights which our Government considers to be valid.

The adoption of the pending bill would create a precedent which would indirectly obligate Congress to approve similar measures for compensating other claimants against foreign governments.

The rights of U.S. citizens to engage in activities abroad which are lawful in the eyes of our Government should not

be divided into preferential and nonpreferential categories.

On the basis of good conscience, morality, and the belief that principles should apply in the adoption of laws, how can we give to one group of citizens a privilege that we do not give to another group? There are lawyers present in the Chamber at this moment, and I make an appeal to them especially.

Throughout my whole public career, I have learned that, unless we operate on the basis of principle applicable to all equally, we are headed for trouble. There may be lawyers present in the Chamber who have been on the bench. A judge does not decide matters on an ad hoc basis. He decides them on the basis of principles of law.

There is now a group of fishermen in Florida, Washington, California, and Oregon who want special treatment. Over the doorway of the Supreme Court is written the precept, "Equal justice to all."

These fishermen want preferential treatment, and they advocate the idea that justice shall be unequal. I cannot give my assent to that type of approach to legal matters by the Senate of the United States.

The issues of preference and precedent which concerned the Committee on Foreign Relations were stressed by the General Accounting Office's comments on the bill. In a letter to the chairman of the Committee on Commerce under date of October 30, 1967, Frank H. Weitzel, Assistant Comptroller General, stated:

> While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement or to request an insurance program from the government for the value of properties that are seized by foreign countries in violation of treaties and international laws.

The letter report on S. 2269 from the Department of State also recognized the preferential nature of the pending bill. In the letter of September 6, 1967, it is stated:

> As a matter of principle, the items for which this bill would provide compensation out of public funds are, in reality, claims against foreign governments.

On what theory and on what principle does the Government of the United States say: "Citizen, you have a claim against a foreign government, but we will pay you for that claim?" I cannot understand it.

The basic question posed by the pending bill involves in what cases, if any, is the public interest served by Government subsidization of losses incurred by U.S. citizens in asserting their rights under international law against foreign governments.

May I have order, please.

This bill is not the way to go about answering that question. The problem of fishing vessel owners should be considered in this larger context and not treated as an isolated problem, as this bill would do. This problem should not be treated on an ad hoc basis. It must be treated on the basis of general principles, and that is not being done under the provisions of the bill.

It may be that there should be some type of indemnification program for U.S. claimants against foreign governments, but that can be determined only after extensive study by the executive branch and by Congress.

The Senate should be aware that a meeting preparatory to a conference among the United States, Peru, Ecuador, and Chile on the fishing rights problems will convene in Santiago, Chile, on April 17. This meeting was announced only Wednesday. Passage of this bill now would quite likely seal the fate of the conference in advance.

The timing could not be more unfortunate. Only an agreement among the nations concerned can solve this problem. This bill will not do it. The Senate should not do anything that would lessen the likelihood of making the coming meeting a success.

A final point, Mr. President: A bill quite similar to this was defeated by the House of Representatives, by a vote of 147 to 175 on September 18 of last year. I mention this not to suggest that the Senate be guided by the House action, but to make the point that, in addition to the Committee on Foreign Relations, the House has found this bill badly wanting.

Now I should like to return to the point at which we were 2 hours ago. I tried to get the Senator from California, the Senator from Alaska, and the Senator from Washington to answer questions dealing with how we treat other citizens who have suffered damage through violation of law. I could not get them to answer. I assume that no answers were given because they could not be justified.

I wish to repeat now what I said earlier: If we compensate the fisherman, how can we avoid compensating other American nationals whose properties are confiscated by foreign governments? If we compensate the fisherman, how can we deny compensation to American citizens who suffer damage through riots? If we compensate these fishermen, how can we avoid compensating every other American who suffers damage through violence? It cannot be avoided.

In my judgment, this bill is nothing but an indefensible handout of American taxpayers' money. It is indefensible because it is putting the Government into a new role of subsidies. Subsidies will be expanded if the citizens of Detroit who suffered destruction of their property come to the Senator from Michigan and say:

> We want you to present a bill that will require the Government of the United States to pay us for the damage which we suffered. You supported a bill to compensate fishermen.

What is there about the fishermen of tuna and shrimp that gives them a position greater than should be occupied by the humble citizen of Detroit whose house was burned down?

The humble citizen of Detroit obviously does not have the power that the fishermen have. And how the fishermen got their power, I do not understand.

Efforts have been made to pass this bill for the past 8 years, but it has been stopped. Suddenly, a strength has developed. Why, I cannot answer. I do know this: that the lobbyist of the fishing industry came to me and sort of laid down the rule that I had better get in back of this bill. I saw him for 15 minutes. He came back a second and a third time, and I would not see him again.

I repeat: Can this august body, the U.S. Senate, begin approaching problems on the weak basis contained in the environment of this bill? How can the Senate do it? How can the Senate justifiably pick out fishermen and forget everybody else?

Mention has been made of an insurance program passed by Congress in which an American citizen wanting to establish a business in a foreign country buys insurance and pays a premium, and the Government establishes a reserve fund with that premium. If he suffers loss, he is paid for that loss. This bill is professed and claimed to be insurance, but it is nothing of the kind. The bill provides that the Government shall pay two-thirds of the loss suffered by the fisherman when his property is taken from him. He bears one-third of the loss.

In the investment guarantee program, each year the foreign investor must pay a premium, and that premium builds up into a reserve fund to carry it.

Mr. ALLOTT. Mr. President (Mr. PELL in the chair), will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. ALLOTT. Mr. President, I am very much impressed by the arguments of the distinguished Senator from Ohio. But he mentioned a moment ago that the shipowner would pay one-third of the cost. I call his attention to a sentence on page 3 of the bill:

> The amount fixed by the Secretary shall be predicated upon at least 33⅓ per centum of the contribution by the Government.

So there is no limitation of one-third. There is a minimum guideline.

Mr. LAUSCHE. I did not remember that.

Mr. ALLOTT. Actually, it is in excess of the limitation referred to by the Senator.

Mr. LAUSCHE. It is in excess of it. They shall pay at least 33⅓ percent; yes.

Mr. ALLOTT. While I have interrupted the Senator's discourse, I should like to ask him a question. This does not necessarily reflect the view of the Senator from Colorado; but I have found, in talking with some Senators that for some reason they are able in their own minds to distinguish between fishing vessels which are apprehended on the high seas and those persons who are doing business in foreign countries. It is difficult for me to accept this logic.

I wish to ask the distinguished Senator, who has spent a lifetime as a lawyer, a judge, a governor, and a Senator, not upon his experience as a Senator or governor, but in his experience as a lawyer and judge, whether he can draw any logical distinction between the treatment to be accorded the fishermen in this case and a company, for example, which had its oil wells, or its minerals, or its farm or ranch production, or its bank accounts expropriated in another country.

Can the Senator from Ohio see any valid legal basis, even though it might be a fine one, upon which there could be

a distinction drawn between the ships on the high seas and those expropriations that occur within a country where a company is doing business?

Mr. LAUSCHE. If there is any distinction, the strength of the decision lies with those who go into a foreign country by invitation, and their property is taken from them—for which our Government ought to compensate but does not.

We have no international law fixing international waters. These fishermen know that those governments have made claims of international waters beyond the 12-mile limit. Therefore, I say that their position is different than the position of the American investor who goes into a country by invitation.

Mr. President, the *Pueblo* was seized in North Korea. American men are prisoners in North Korea. Has anybody suggested that they be compensated? Allegedly they were seized in international waters. Are any tears being shed for them? The crying is for the fishermen.

Mr. ALLOTT. I thank the Senator.

Mr. LAUSCHE. Now, Mr. President, I do not know whether this measure can be stopped. Supposedly there is not much involved except principle, and that should bear down on our judgment much more than the money involved.

If this group of Senators is going to take the position that principle means nothing in the running of our Government, God help our Nation.

Mr. President, I say to the Senator from Washington [Mr. MAGNUSON], you may get this bill passed, but I predict that you will suffer remorse after you do it because it is going to plague you in future days. Efforts have been made for 6 or 8 years to get the bill passed. I know that special relief bills were filed. One special relief bill was filed that I blocked 6 years ago; and then, through some subterranean channel, special relief was granted in the sum of $150,000, which I did not know about.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I do not like to get into an argument with the Senator from Ohio. I have great respect for his viewpoint, and I expect the same respect from him for my viewpoint.

The Senator talks about allocation of principle in the Senate. I think maybe we are going a little bit too far. I have principles. The sponsors of the bill have as much principle as anybody else. If a Senator looks at the bill in a different way than another Senator, that is his opinion and his opinion should be respected. No one has a monopoly on principle in this Chamber.

The principle here is a great deal different than the Senator from Ohio suggested. In the first place, this is a much different situation than the Senator talked about with respect to crime in the streets.

If the Senator wishes to talk about principle, the Senator from Ohio read a part of the State Department report on the bill. I shall read the remainder of the report in which they highly support the bill, because it is a different situation.

When a person goes into a country he knows what the laws are and he abides by the laws. We have always said these were not the laws of the high seas. That is the difference.

I shall read what the State Department stated in a long letter written to me in September of 1967. The State Department has some principle about it. They state, in one paragraph, as follows:

> It may be pointed out that cases here involving fishing vessels are no different, for example, than claims arising out of taking property and other international claims. Such claims have not been paid out of public funds.

The Senator from Ohio did not tell this to the Senate. They further state:

> But in this particular case—that of fishing vessels wrongfully seized on the high seas—Congress has passed the act of August 27, 1954, for the purpose of assisting the owners of seized vessels to obtain the prompt release of their vessels and crews. Its goal is to give our fishing fleet some protection in addition to that provided by diplomacy.
>
> The act of August 27, 1954, has been of some assistance to the American fishing industry in maintaining and exercising its rights under international law, despite the harassment of seizures which the United States considers illegal. However, the act is not fully effective in its purpose of obtaining the prompt release of vessel and crew. In order to obtain prompt release, owners of vessels are often required not only to pay a fine, but to purchase a fishing license and a temporary registration and sometimes to pay other fees.

This paragraph also should be read to the Senate:

> The Department believes that under the circumstances it would be appropriate to establish a temporary program whereby U.S. fishermen who are willing to share in the costs can be provided some additional assistance while negotiation efforts continue and that such an approach will not undermine the principle against public compensation for private claims against foreign governments.
>
> Accordingly, the Department recommends amendment of the act of August 27, 1954, as provided in S. 2269.

Does that not make a different situation?

Of course it is a different case. There is no one in this body who does not pray that we will get our men back on the *Pueblo*. Of course they will be compensated. They were at war.

Mr. LAUSCHE. They are entitled to it more than fishermen.

Mr. MAGNUSON. Yes; and we are going to do whatever we can. I shall try to do everything I can. But that has nothing to do with the bill whatsoever. The State Department has opposed the bill for a long time. We acceded to the changes they wanted in the 1954 act. They were opposed to the 1954 act at the time. Now, because they admit that they have not been able to do anything with these countries, and they mentioned it in their letter, it would therefore be appropriate for Congress to do it. They suggest that we make it temporary to give them time for another chance to go down and see what they can do.

The best way to settle it would be through diplomatic channels. So we acceded, and placed a time limitation on it. So that this is an entirely different thing. There is nothing in it about principle.

The Senator talks about lobbyists for the fishing industry. I do not know many lobbyists for the fishing industry. There are some tuna packers who have lobbyists here, but the fishermen are pretty well unrepresented.

They are men who go out in small boats on the high seas and hope to make a living from the harvest of the seas, in fierce competition with other countries. Usually it is a cooperative effort. Most of the time it is a family working together—father and son, with one or two deckhands, and someone who doubles in brass as the cook. Fishermen have not been able to get any particular preference in Washington. As a matter of fact, if I had my way, they would get much more.

The Senators from the State of Washington do not have many tuna fishermen. If we were talking about salmon today I would be much more violent on this subject.

Mr. BARTLETT. Mr. President, will the Senator from Washington yield there?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. Actually, for the benefit of our own States, Washington and Alaska, in principle maybe we should be against the bill because the tuna caught by American fishermen necessarily means less salmon consumed. However, we feel as we do because we have inquired into this matter very carefully and have held hearings in the subcommittee. Thus, we happen to know quite a little bit about it.

Mr. MAGNUSON. This is the only way we know to correct the situation. The Senator says we have been trying to do something for 8 years. That is correct. We have waited and waited and waited. We have acceded, and hoped, but it has not been the fault of the State Department because they tried. Now they find they cannot do anything about it, so that the only way I know is to adopt the Senator's amendment.

The Senator from Michigan mentioned foreign aid in his individual views, that they have been getting away with it and laughing up their sleeves at us about it.

When we go into a country to do business, we know the territorial limits of that country and we know its laws, and we therefore take a calculated risk in anything that we do on foreign soil. But we are of the firm belief, as is the State Department, the Department of the Interior, and everyone I know of involved in this matter, that the territorial limits should not extend to 200 miles. That is why this is different. That is not in the same category at all with someone who goes from one State to another State establishing businesses. He knows that he is subject to the laws of those States.

Mr. MORSE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. MORSE. I want to join the Senator from Washington in the argument he is making, in regard to the fact that the bill is really an aid to the State Department by way of helping it through legislation in a diplomatic posture with certain Latin American countries.

Mr. MAGNUSON. That is exactly what they say.

Mr. MORSE. The Senator points out that such time limitation on it leaves it up to the parties concerned whether they want to negotiate a diplomatic settle-

ment with the United States which the State Department has been urging for some time.

Without naming the country or going into specifics, let me say that I have been in consultation in regard to another matter which is related not too indirectly to this one, where we have some concern about a policy we have been following in making available to some of the Latin American countries certain naval vessels on a loan basis. We have done that. An unfortunate event developed. One of the ships was used to seize an American fishing ship. That created quite a problem, as the Senator from Washington recognizes.

Of course, what some would want to do in regard to this question is, of course, to take back the ship, when what we need to do is, first, to realize that someone in their navy made an unfortunate judgment. It is easy to take an activist position and to strike back by saying, "We reclaim our ship."

But that will not help relations between our country and that country. My position in the consultations which took place was to let the waters calm for a while. Let us wait and see. After all, they have recognized that it was a mistake. The ship they seized was forthwith released but that does not change the fact that there is a strong feeling among some in this country that our rights were violated. They were.

So, what should we do? Should we calm down in this situation, as I am recommending, and try to handle it diplomatically?

Obviously, I think that is what we should do. What we are doing here in the bill, as the Senator from Washington is pointing out, is to come to the assistance of the State Department, in strong support of our diplomatic arm, by going ahead with the bill which provides for an equitable solution to the problem involved, and the loss involved, which I think will be an inducement to the countries concerned to enter at a much earlier date into satisfactory diplomatic arrangements with the United States.

Mr. MAGNUSON. I have no objection to what the Senator from Ohio said. I think maybe we should have some procedures to protect people who go into other countries, say insurance, or something of that kind. That is perfectly all right with me.

But in the meantime, we are faced with this one problem. We have waited and waited and waited. The State Department says, "Look, do this in the interim. We are still trying to do what we can." That is what they have said. They have said it in no uncertain terms. It is not that these people are big corporations or something. Sometimes our fishermen do not make anything but expenses.

If this were some group making large profits, perhaps we should make the contribution 80 percent. But the limit on the bill is $150,000. That is as far as we can go. That is all.

These incidents have been getting more numerous and frequent as the years go by. If we talk about international principle, if we yield without protesting and doing something, whether directly or indirectly, as we are doing here, in the case of limitation, if each country wants to claim 200 miles, talk about regretting something, the world will be in chaos.

We would have to ask Morocco permission to go through the Strait of Gibraltar. De Gaulle would claim the English Channel. I do not know why he has not already done it.

We have got to look at this question internationally, frown, but do what we can about it.

We are talking about $150,000. Perhaps, after the debate on the floor today, those countries may slow up. I hope they will, and we will not have to spend a nickel.

The bill involves decent principles of protecting people who are on the high seas, whether they are there fishing, mining, or pleasure boating. It happens that those countries have been seizing fishermen. It could be one of our merchant marine ships. Those ships are threatened on some occasions. They are asked to pay lighthouse fees and charges of that kind. Some countries have demanded such fees if ships come within 200 miles of their shores. They will continue to do it unless we are adamant. They think they can stop a merchant ship 200 miles from their shores. Many of the ships that go up and down the coast have to come within 200 miles of the shore and they are subject to those restrictions.

Yes, it is an exceptional bill. Those of us who have been working with this problem a long time do not know of any other way to do it, but it is high time that we do something.

AMENDMENT

Mr. LAUSCHE. Mr. President, I send to the desk my amendment in the nature of a substitute for the amendment of the Senator from California.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the language proposed to be inserted by the amendment of the Senator from California, it is proposed to insert the following:

SEC. 3. Subsection 820(o) of the Foreign Assistance Act of 1961, as amended, is amended to read as follows: No assistance shall be furnished under this Act to any country which hereafter seizes, or imposes any penalty or sanction against any United States fishing vessel on account of its fishing activities in international waters. Assistance to any such country shall not be resumed until the President determines, and reports his determination to the Speaker of the House and the Senate Committee on Foreign Relations, that assurances have been received from the government of the country involved that such harassment of United States fishing vessels has ceased. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, for the benefit of Senators who were not on the floor when I previously discussed the amendment, I wish to give this explanation. The amendment of the Senator from California provides that whenever a foreign government unlawfully seizes an American ship, the granting of foreign aid shall be suspended until the seizing government reimburses the United States for whatever moneys the U.S. Government had to pay under the provisions of the bill.

My substitute provides that foreign aid shall be absolutely discontinued—not suspended; discontinued—until the seizing foreign government assures the United States that its practice of seizing has stopped and has been ended. Mine is an absolute prohibition. The amendment of the Senator from California provides for a suspension. I think there ought to be an absolute prohibition of the granting of aid to any government that seizes our ships on the high seas.

Mr. KUCHEL. Mr. President, I rise to oppose the substitute. First of all, let the RECORD be clear, the pending bill would expire in 4 years. So it is unnecessary to talk about the policy of the Congress of the United States or the U.S. Government with respect to foreign assistance for more than that period. The amendment which the distinguished Senators from Washington and Alaska and I have offered provides a means for the Department of State to employ diplomacy for 4 months after an offensive, illegal seizure takes place on the open oceans. Thereafter, we provide that the aid shall be suspended unless and until the amounts of money which have been extracted by the offending countries have been returned to the United States.

The Senator from Ohio, in his amendment at the desk, which none of us has seen, because we have no copies of it, provides that aid shall be prohibited—I do not have the exact language—until certain assurances are given. I raise the question: What better assurance could be given than the assurance by the offensive country of returning the fines and the other moneys which it may have extracted when it accomplished the seizure in the first place?

I want to say this, and then I shall be through, and we can vote on the amendment. Something ought to be done. There is no question about that. I congratulate the Senator from Ohio for feeling that something ought to be done. That was not the position he took when I offered an amendment several years ago, on Monday, June 14, 1965, which reads as follows:

> No assistance shall be furnished to any country which hereafter extends its jurisdiction for fishing purposes over an area of the high seas beyond that recognized by the United States.

My distinguished friend from Ohio on that occasion voted "no." I congratulate him now on feeling that aid ought to be withheld. I truly believe that our amendment is a better approach than his, and ask that his amendment be defeated.

Mr. BARTLETT. Mr. President, I rise merely to say I agree entirely with the Senator from California, and I express the same hope that the substitute offered by the Senator from Ohio will be defeated and the amendment offered by the Senator from California will be accepted.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Presi-

dent, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the substitute amendment offered by the Senator from Ohio.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Virginia [Mr. SPONG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Maryland [Mr. TYDINGS], are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], and the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY] are necessarily absent.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Delaware [Mr. BOGGS] is paired with the Senator from Illinois [Mr. DIRKSEN]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 27, nays 50, as follows:

[No. 98 Leg.]

YEAS—27

Allott	Ellender	Jordan, Idaho
Cannon	Fannin	Lausche
Cotton	Griffin	McClellan
Curtis	Hansen	Miller
Dodd	Hickenlooper	Mundt
Dominick	Hollings	Pearson
Eastland	Hruska	Russell
Smathers	Symington	Williams, Del.
Stennis	Thurmond	Young, Ohio

NAYS—50

Aiken	Hartke	Moss
Anderson	Hatfield	Murphy
Baker	Hill	Muskie
Bartlett	Holland	Nelson
Bayh	Jackson	Pell
Bible	Javits	Prouty
Brooke	Kuchel	Proxmire
Burdick	Long, La.	Ribicoff
Byrd, W. Va.	Magnuson	Scott
Carlson	Mansfield	Smith
Case	McGee	Sparkman
Church	McGovern	Talmadge
Clark	Metcalf	Tower
Cooper	Mondale	Williams, N.J.
Fong	Monroney	Yarborough
Fulbright	Morse	Young, N. Dak.
Hart	Morton	

NOT VOTING—23

Bennett	Harris	McIntyre
Boggs	Hayden	Montoya
Brewster	Inouye	Pastore
Byrd, Va.	Jordan, N.C.	Percy
Dirksen	Kennedy, Mass.	Randolph
Ervin	Kennedy, N.Y.	Spong
Gore	Long, Mo.	Tydings
Gruening	McCarthy	

So Mr. LAUSCHE's substitute amendment was rejected.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from California.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA] the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Virginia [Mr. SPONG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], and the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY] are necessarily absent.

If present and voting, the Senator from Delaware [Mr. BOGGS] and the Senator from Illinois [Mr. DIRKSEN] would each vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 69, nays 9, as follows:

[No. 99 Leg.]

YEAS—69

Allott	Hart	Mundt
Anderson	Hartke	Murphy
Baker	Hatfield	Muskie
Bartlett	Hickenlooper	Nelson
Bayh	Hill	Pearson
Bible	Hollings	Pell
Burdick	Hruska	Prouty
Byrd, W. Va.	Inouye	Proxmire
Cannon	Jackson	Ribicoff
Carlson	Jordan, Idaho	Scott
Church	Kuchel	Smathers
Clark	Lausche	Smith
Cotton	Long, La.	Sparkman
Curtis	Magnuson	Stennis
Dodd	McClellan	Symington
Dominick	McGee	Talmadge
Eastland	McGovern	Thurmond
Ellender	Miller	Tower
Fannin	Mondale	Williams, N.J.
Fong	Monroney	Williams, Del.
Griffin	Morse	Yarborough
Hansen	Morton	Young, N. Dak.
Harris	Moss	Young, Ohio

NAYS—9

Aiken	Cooper	Javits
Brooke	Fulbright	Mansfield
Case	Holland	Metcalf

NOT VOTING—22

Bennett	Hayden	Pastore
Boggs	Jordan, N.C.	Percy
Brewster	Kennedy, Mass.	Randolph
Byrd, Va.	Kennedy, N.Y.	Russell
Dirksen	Long, Mo.	Spong
Ervin	McCarthy	Tydings
Gore	McIntyre	
Gruening	Montoya	

So Mr. KUCHEL's amendment (No. 678) was agreed to.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BARTLETT. Mr. President, I yield the floor.

AMENDMENT NO. 677

Mr. GRIFFIN. Mr. President, I call up my amendment No. 677 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill insert a new section as follows:

"SEC. 4. (a) The territorial sea of the United States is hereby established as extending three nautical miles from the coastline of the United States: *Provided*, That in the case of any coastal country (including ships and nationals thereof) which claims a territorial sea extending more than three

nautical miles from its coastline, the territorial sea of the United States shall be equal in distance to that claimed by such other country, but not to exceed twelve nautical miles. Any extension of the territorial sea beyond three nautical miles pursuant to this subsection shall not result in any extension of the fisheries zone established pursuant to the Act entitled 'An Act to establish contiguous fishery zone beyond the territorial sea of the United States', approved October 14, 1966 (80 Stat. 908).

"(b) If the President of the United States determines that any portion of the territorial sea as extended by this Act conflicts with the territorial sea of another country he may make such modifications in the seaward boundary of such portion as may be necessary.

"(c) It is the sense of the Congress that the President of the United States consider taking appropriate initiative through his representative at the United Nations, or through other means, to convene an international conference for the purpose of establishing a universally recognized seaward boundary for the territorial seas of all coastal countries."

Mr. GRIFFIN. Mr. President, more than 2 months have elapsed since the *Pueblo* and its crew were seized off the shore of North Korea.

More than 3 years have passed since the *Maddox* and the *Turner Joy* were attacked in the Gulf of Tonkin.

As recently as March 20, 1968, an American-owned tuna boat, the *Taramount*, was seized while navigating 46 miles off the coast of Ecuador.

In each of those cases the issue arose as to whether U.S. vessels had operated in international waters or had penetrated the territorial waters of another nation.

Each of those situations also suggests a fundamental question as to whether the existing policy of the United States regarding our territorial sea makes sense in this last third of the 20th century.

Earlier this year, I introduced Senate Joint Resolution 136, which has been cosponsored by 31 Senators and 85 Representatives.

The amendment I offer now to the pending bill, S. 2269, would accomplish the objectives set forth in my earlier resolution. In brief, it provides that our traditional 3-mile limit will continue in effect as to those nations which claim a 3-mile limit with respect to their shores.

However, foreign countries which claim and require us to respect a wider jurisdiction with respect to their shores, will henceforth be required to recognize a corresponding territorial limit with respect to our coastline, but not to exceed 12 miles.

The amendment would also express the sense of Congress that the President consider taking necessary steps to convene a new international conference with a view toward establishing a universally recognized seaward boundary.

Mr. President, I believe that the time has come for the United States to adopt a more realistic policy with respect to our territorial sea—a policy based on the principle of mutuality.

It makes no sense to adhere rigidly to a self-imposed limitation which no longer serves our national interests—which no longer accords with international practice.

Of course, it goes without saying that this amendment will not secure the release of the *Pueblo* and its crew. It will not turn back the clock on the Gulf of Tonkin affair. And it will not necessarily remove all risks to which U.S. naval and commercial ships are being subjected.

However, this measure will make certain that potential enemies shall not enjoy special privileges which are denied by them to our own fleet.

A 1966 survey, updated by the Department of State, indicates that a majority of coastal nations now claim a territorial sea of more than 3 miles.

And yet, Mr. President, the State Department seems to suggest that the 3-mile limit represents international law. If it does represent international law—which it does not—why do we require our ships to remain at least 12 miles off the coastline of such countries as North Korea?

In defense of our 3-mile limit, State Department officials usually contend that any further extension of jurisdiction on our part would threaten freedom of the seas.

But they overlook the fact that while the United States has been holding the line on the 3-mile limit, most of the maritime nations of the world have long since abandoned this as a standard—and insist upon a wider territorial claim.

To pretend that our stubborn, rigid, adherence to the 3-mile limit is preventing a proliferation of seaward claims on the part of other countries is not in keeping with the facts of history. Moreover, the definite trend is toward a 12-mile limit.

The strategy of clinging to the 3-mile limit has failed, both with respect to preserving freedom of the seas and in regard to achieving commonly recognized standards.

It should be recognized that the United States already exercises certain limited rights beyond its 3-mile limit. In 1966, Congress enacted legislation establishing a 12-mile fishing zone. The Coast Guard enforces domestic immigration and customs laws beyond the 3-mile limit.

Of course, those who first formulated our 3-mile-limit policy did not contemplate the modern-day intelligence-gathering technology.

Spy ships represent a new reality which cannot be ignored.

I understand that the Russians maintain over 30 spy ships, known in the trade as AGI's. They are stationed continuously in the vicinity of our Polaris submarine bases. Capable of navigating for up to 40 days without replenishing, AGI's also patrol world trouble spots and tail U.S. naval task forces.

A description of Soviet AGI activity was included in my speech to the Senate on January 31, 1968.

I understand that Soviet AGI trawlers normally operate between 3 and 5 miles from U.S. ports. Such close penetration gives the Soviet ships a decided advantage over American vessels—which are instructed to remain at least 12 miles from the shores of the Soviet Union and of most other Communist countries.

While intelligence ships are mainly engaged in electronic surveillance, the visual and photographic observation of port activity and amphibious operations is also important. Such observation, of course, is more effective as a ship goes closer and closer to shore.

Mr. President, there is no reason why the United States should continue to hand Communist nations a significant intelligence advantage. Under the present arrangement, the Communists have everything to gain and nothing to lose if we just go on adhering to our self-imposed 3-mile limit. Our unwavering commitment to the 3-mile limit only makes it possible for the Soviets to "have their cake and eat it, too."

The amendment now before the Senate would make it possible for the United States to deal with other countries on a "tit for tat" basis.

Mr. President, there is a myth which should be unmasked; it is the assumption that our 3-mile limit, when first proclaimed in the days of Thomas Jefferson, was intended as a declaration of policy, binding upon future generations.

In truth, when Secretary of State Thomas Jefferson first undertook to communicate our Government's initial views on this subject to France and Great Britain, he took pains to explain that the newly proclaimed 3-mile rule was minimal and tentative in nature.

Diplomatic manuscripts reveal that Jefferson was reluctant to commit the young Nation to the 3-mile limit; in fact, he did so provisionally only because of the outbreak of war between France and Great Britain in 1793, which threatened American neutrality.

Later on, in 1805, John Quincy Adams records in his memoirs that Jefferson, then the President, reserved the right to claim a wider territorial limit whenever new conditions might warrant it.

Interestingly, there is no law on our statute books which explicitly proclaims the breadth of our territorial sea. Rather, the present policy is based only on custom and tradition.

Mr. President, the origins of the American 3-mile limit are rooted in the political expediency and diplomatic liturgy of a previous age.

The time has come to adopt a new approach consistent with the facts and realities of a new age.

The time has come to shed old myths, and to pursue a new course. I believe that a new policy predicated upon mutuality would encourage the negotiation and acceptance of a uniform standard with respect to territorial waters.

I believe the policy indicated in my amendment would provide the impetus, the incentive which could lead to meaningful agreements, not only as to seaward boundaries but also as to the right of innocent passage through international straits, legitimate American rights, and toward the establishment of a more meaningful international law of the sea.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I think this proposal has a great deal of merit. It is a matter in which the Committee on Foreign Relations is deeply interested.

I recall that a number of years ago

we made a very strong effort to reach agreement among all principal nations and that we came within one vote of achieving agreement on provisions with regard to the territorial seas. But we failed.

The Senator's resolution has been submitted to the department for comment. It is possible that another conference may be called which would be the proper way to solve the problem the Senator is talking about and the problem posed by the bill now before the Senate. I strongly favor an approach through an international conference. It is the regular approach. I think the Senator's proposal has much merit, although I have not had an opportunity to study it closely. I hope that he will not press unilateral action in the Senate while there are still prospects for reaching an international agreement. To be effective we have to get an agreement among the maritime nations on this subject. It is getting more and more complicated, as the Senator rightly points out.

Mr. GRIFFIN. I appreciate very much the comments of the distinguished chairman of the Foreign Relations Committee. Let me respond by saying that I quite agree it is most desirable for the nations of the world to reach an agreement on a universally recognized limit. However, the fact is that several conferences have been held and they have failed. In the meantime, there is, in effect, no international law.

I quite agree that the State Department has a very deep interest and concern in this matter. However, I should like to suggest that the Senate, and particularly the Committee on Foreign Relations, should also have a deep interest in this subject. I would hope that the committee would not merely await some action on the part of the State Department. I should like to suggest and urge that the Committee on Foreign Relations, should undertake to reexamine and reevaluate the existing policy of the United States, which has been in effect so long and which now is of questionable validity.

I wonder whether the distinguished chairman of the committee could give the junior Senator from Michigan any assurance that the Committee on Foreign Relations will look into this policy question and examine it.

Mr. FULBRIGHT. Yes. I will say that the committee is in the process of doing so. I have a response from the general counsel of the Department of Defense in a letter of April 2, 1968. The committee is looking into it. Both the Department of State and the Department of Defense are very interested in this problem because it involves matters of great importance. There are some 100 international waterways, more or less. One of the most critical straits recently played a part in the controversy in the Middle East, as the Senator knows.

This matter has to be straightened out. The committee is interested in finding a solution, as I have said. If the Senator has not seen the letter from the Department of Defense, he is perfectly welcome to read it. They are pushing to try to get a settlement. I can assure the Senator that the Committee on Foreign Relations will follow through and keep after the departments to try to work it out. The conference I mentioned a moment ago,which came within one vote of reaching agreement, was only about 7 or 8 years ago. In the intervening time, we have had the war in Vietnam and other things which have distracted us and made it almost impossible to make any headway in a conference of that kind.

Mr. GRIFFIN. If the chairman of the committee and other members of his committee would carefully examine the resolution which I have introduced, and if there were hearings held on the resolution and other related proposals, I believe they would come to the same conclusion that I have; namely, that the resolution in no way interferes with the effort underway to achieve an international agreement.

In fact, it is my firm opinion that the adoption of such a resolution would encourage, stimulate, and help us to achieve such an agreement. I am hoping that the committee will do more than just communicate with the State Department, that perhaps some hearings will be held on the subject, hearings which would at least include consideration of the resolution which I have introduced.

Mr. FULBRIGHT. I can convey to the Senator, I believe, without any reservation whatever, that we will have hearings on the resolution and we will consider what he has said. I must say that the departments do not believe that the exception here in which we seem to abandon a multilateral approach to get general agreement, but only the unilateral—in other words, it is just between us and any one country with which we are able to make an agreement—they believe would mitigate against an agreement. I have no basis on which I can prove that.

Mr. GRIFFIN. I am aware of the position which they are taking but I believe it is subject to challenge and argument. I would hope that the committee would examine the arguments on both sides and try to help in arriving at a judgment.

Mr. FULBRIGHT. I can assure the Senator that we will do that.

Mr. GRIFFIN. I appreciate those assurances from the chairman.

Mr. LONG of Louisiana. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I am happy to yield to the distinguished majority whip.

Mr. LONG of Louisiana. Mr. President, I am glad the Senator from Michigan raised that issue. I attended the conference which missed agreement by only one vote. Frankly, having had the opportunity to observe those negotiations, I am convinced that any nation on this earth that wants to maintain that its territorial limit is 12 miles can do so and make it stick—and as a matter of fact, has actually done so.

Does the Senator from Michigan have in his list what the Communist powers claim as their territorial limits?

Mr. GRIFFIN. Yes, and with few exceptions it is a 12-mile limit which we scrupulously respect.

Mr. LONG of Louisiana. That is the amusing thing about it. The United States proposed to say that we do not recognize their 3-mile limit. Well, I notice that we claim the *Pueblo* was more than 12 miles away from North Korea, the nearest island nearest the land in North Korea when the *Pueblo* was taken. While we say we do not recognize it, we actually do. We do not dare go even that close.

Furthermore, Mexico adjoins us. Does the Senator know what Mexico claims, and what we have recognized and respect?

Mr. GRIFFIN. I am not sure. I have it in some material here. I believe it is about 9 miles.

Mr. LONG of Louisiana. My recollection is, the last time I looked, it was three leagues, which is about 10½ miles. Perhaps it is 12 miles now. However, I believe they have done so on the other side, as well.

Does the Senator know what Canada claims? We have to contend with Canada in fishing rights.

Mr. GRIFFIN. I have a list of the coastal nations and their claims as to territorial waters which I will insert in the RECORD at the conclusion of my remarks.

Mr. LONG of Louisiana. Well, the point is——

Mr. GRIFFIN. A majority of nations are claiming and enforcing a territorial limit in excess of 3 miles; in many cases the claim is 6 miles; and the largest number of countries claim 12 miles. Some Latin American countries, as has already been stated, claim 200 miles.

Mr. LONG of Louisiana. We have had fishermen arrested time and again 10 or 12 miles off Mexico. Our State Department takes a considerable period of time to get the men released. If they do get them released it always seems to take time. We make the request that they please release the seamen. Eventually, they let the seamen out of jail when damages or compensation have been paid, because, to all intents and purposes, we recognize that Mexico has a boundary beyond the 3-mile limit—at least 3 leagues—10½ miles or more.

I believe we will find that Cuba claims at least approximately 12 miles. Any country that wants to claim 12 miles simply arrests our fishermen and our seamen, and then we seek to get them released. The basis upon which we seek to get them released is that they have violated the territorial integrity of a foreign country. We have to recognize that in order to get them released peaceably.

It was the United States which sought to maintain the 3-mile limit—the United States and Israel. We have sought to maintain that 3-mile limit and use all our influence and every bit of pressure we could bring to bear upon other countries to stay with the 3-mile limit. Does the Senator know why we were doing that?

Mr. GRIFFIN. I should like to hear the views of the Senator from Louisiana.

Mr. LONG of Louisiana. The reason is

our Navy. It wants to be in a position to bring its ships up as close as possible, to make a show of strength, or in order to collect information, such as the *Pueblo* was trying to do. The Navy wants as much sea as it can obtain to operate efficiently. Of course, today, Russia is becoming a real challenger.

The one who is in a position to be a great maritime power, with a great fighting fleet on the ocean, naturally feels that the area closest to someone else's shore is more important than being farther out, and the closer the navy can move up there with immunity, the better it is for that nation. The smaller countries do not feel that way, because they are on the opposite side of the coin, and they feel it is better for them if those navies stay away. Israel feels differently because of the Gulf of Aqaba. They do not want the Arabs to close that gulf to them, because it is important to Israel. All the Arab nations want to go beyond the 3-mile limit so they can close the Gulf of Aqaba.

There is no question that any country that wants to claim 12 miles can make it stick. They can seize our ships and seamen and can make us respect it, just as Korea made us respect it. Moscow can make us respect it, and so can anybody else. Indeed, the American proposal to that conference was that there would be a 12-mile limit, but they turned us down. We could not get the two-thirds majority.

So it is really very unfair to American fishermen to continue to argue the Navy's position, which we cannot sell to anybody. Everybody claims 12 miles and we let them fish between 9 and 12 miles and let them own everything out there. On the other hand, the United States tries to stick to the 3-mile limit, but everybody else claims 12 miles, claims under international law——

Mr. GRIFFIN. Mr. President, in view of the experience of the Senator from Louisiana in relation to this subject, and his attendance at the conference, would he agree that the resolution which I have introduced, and which 31 Senators have cosponsored, should be seriously considered by the Foreign Relations Committee?

Mr. LONG of Louisiana. I think so. It was once my honor to serve on that great committee. I believe it is an outrage to American fishermen that we do not claim 12 miles, at least for fishing, because the others do and make it stick.

Mr. GRIFFIN. The United States has established a 12-mile zone for purposes of fishing. That was done by statute in 1966.

Mr. BARTLETT. Mr. President——

Mr. GRIFFIN. Does the Senator from Alaska wish me to yield to him?

Mr. BARTLETT. Yes. I merely want to say that I agree with the Senator from Michigan that the time has come not only to extend our claim to the limit of territorial seas, but to do it.

For the sake of the RECORD and for the benefit of those who may read the RECORD, I ask unanimous consent to have incorporated at this point in the RECORD a letter dated April 2, 1968, to Chairman FULBRIGHT from the acting general counsel of the Department of Defense. I think that will give us some understanding of the problem.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., April 2, 1968.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to the attention of the Department of Defense that the substance of Senate Joint Resolution 136 may be considered on the floor of the Senate in the near future in connection with S. 2269. The Department of Defense subscribes in full to the comments of the Department of State in its letter of March 29, 1968, to the Chairman of the Committee on Foreign Relations. We want, however, to take this opportunity to emphasize the adverse effect that passage of a Resolution of this type would have on the overall security interests of the United States.

Section 1 of the Resolution establishes the territorial sea of the United States at three miles, but further provides for application of the principle of mutuality with respect to those countries claiming a territorial sea in excess of three miles, except that in no case shall the territorial sea of the United States be in excess of twelve miles. Section 2 provides authority for the President to resolve resulting conflicts with the territorial seas of other countries.

There can be no doubt that United States assertion unilaterally of a territorial sea broader than three miles, even if based on mutuality, would be considered by the international community as an implicit recognition of unilateral claims by other countries to more than three miles of territorial sea.

Adoption of a twelve-mile territorial sea would bring over 100 straits and narrows under the sovereignty of coastal states. There is at present no generally accepted right of military aircraft to overfly (even in innocent passage) waters which comprise territorial seas, even when they include international straits.

While the right of innocent passage of vessels through international straits may not be suspended, there are disputes regarding the application of this right to warships and regarding the application of the criteria for identifying international straits. Moreover, once a twelve-mile territorial sea is conceded, differences in interpretation of the right of innocent passage become extremely critical. For example, some states have claimed a unilateral right to determine what kinds of passage are innocent even when, by objective standards, passage is clearly not prejudicial to peace, good order, or security within the coastal state or its territorial sea. Straits comprised of territorial seas by a twelve-mile rule could then be closed to transit by possibly capricious interpretations of the right of innocent passage.

Many states which claim limits wider than three miles, particularly those with 200-mile claims, advance the dangerous proposition that every state can unilaterally determine the seaward extent of its territorial sea. Any unilateral extension of the territorial sea by the United States, however circumscribed, could be relied upon to support this argument and effectively defeat any international attempt to introduce uniformity into the breadth of the territorial sea.

It is our view that exaggerated territorial sea claims have arisen not from genuine security concerns but largely as a result of a desire to prevent foreign states from depleting the economic resources of coastal waters. It is doubtful that the proliferation of such claims can be prevented in the absence of some accommodation of the economic interests of coastal states. This could only be accomplished through international agreement. A unilateral action by the United States could well jeopardize any attempts in this area as well.

As the world's leading maritime state, the United States has a major interest in achieving universal agreement on the breadth of the territorial sea in a manner which preserves vital navigational rights. Passage of this Resolution seems likely to carry us further away from that goal and indeed would not provide us with even minimal assurances regarding transit of straits by warships and military aircraft.

The fact that foreign countries may conduct passive intelligence activities up to three miles from our shores does not justify any departure from the three-mile claim which the United States has consistently maintained since 1793. As discussed above, any unilateral departure at this time from our historic claim could involve fundamental and far-reaching consequences adversely affecting security and commercial interests of the United States.

Accordingly, the Department of Defense must oppose the unilateral extension of the territorial sea on the basis of mutuality as provided in section 1 of the Resolution. The Department of Defense joins the Department of State in not opposing section 3 of the Resolution regarding an international conference to fix the breadth of the territorial sea, believing that this is the most desirable means for achieving a satisfactory solution of the problem. Such a conference, however, could only take place after careful, painstaking preparation and its projected results would have to be in accord with the vital security interests discussed in this letter.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of his report for the consideration of the Committee.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

Mr. GRIFFIN. I thank the Senator for his contribution.

Mr. BARTLETT. I want to say one more thing. This is not authoritative, but my understanding is that our Government is moving much faster than ever before toward instigating an international conference dealing with this very subject. I think we will take the lead in doing so. I do not doubt at all that this is partly because the Senator from Michigan offered the resolution to which reference has been made.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MAGNUSON. As I recall the last Geneva Conference on the subject, they did not adjourn the Conference sine die, but under their procedures they can reconvene. At that time, we tried to do what the Senator from Michigan is suggesting. We lost by one vote. I hope they will read about this downtown and give serious consideration to it.

Mr. GRIFFIN. I appreciate the contribution of the Senator from Washington.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which indicates the territorial seas and the fishing limits of the countries shown.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Country	Territorial sea	Fishing limits	Other
AFRICA			
Algeria	12 miles	12 miles	
Biaira (eastern Nigeria) (June 8, 1967).	12 miles, all purposes.		
Botswana	No coast		
Burundi	do		
Cameroon	18 miles	18 miles	
Central African Republic	No coast		
Chad	do		
Congo (Brazzaville)	Not Available		
Congo (Kinshasa)	do		
Dahomey	3 miles	12 miles	May also apply to territorial sea.
Ethiopia	12 miles	do	
Gabon	12 miles	12 miles	
Ghana	do	do	Undefined protective areas may be proclaimed seaward of territorial sea, and up to 100 miles seaward of territorial sea may be proclaimed fishing conservation zone.
Guinea	130 miles	130 miles	
Ivory Coast	6 miles	12 miles	
Kenya	3 miles	3 miles	
Lesotho	No coast		
Liberia	12 miles	12 miles	
Libya	12 miles	12 miles	
Malagasy Republic	do	do	
Malawi	No coast		
Mali	do		
Mauritania	12 miles	12 miles	
Morocco	3 miles	do	Exception, 6 miles for Strait of Gibraltar.
Niger	No coast		
Nigeria	12 miles	12 miles	
Rwanda	No coast		
Senegal	6 miles	6 miles	Plus 6 miles contiguous zone.
Sierre Leone	12 miles	12 miles	
Somali Republic	do	do	
South Africa	6 miles	do	
Sudan	12 miles	do	
Tanzania	do	do	
The Gambia	3 miles	3 miles	
Togo	12 miles	12 miles	
Tunisia	6 miles	do	Territorial sea follows the 50-meter isobath for part of the coast (maximum 65 miles).
Uganda	No coast		
United Arab Republic	12 miles	12 miles	
Upper Volta	No coast		
Zambia	do		
EAST ASIA AND PACIFIC			
Australia	3 miles	Decision announced for 12 miles fishery limits.	
Burma	12 miles	12 miles	
Cambodia	5 miles	do	Continental Shelf to 50 meters, including sovereignty over superjacent waters.
China	3 miles	2 miles	
Indonesia	12 miles	12 miles	Archipelago concept baselines.
Japan	3 miles	3 miles	
Korea	Not available	20 to 200 miles	Continental Shel., including sovereignty over superjacent waters.
North Korea	12 mi'es		
Laos	No coast		
Malaysia	3 miles	3 miles	
Mongolia	No coast		
New Zealand	3 miles	12 miles	
Philippines			Waters within straight lines joining appropriate points of outermost islands of the archipelago are considered interna' waters; waters between these baselines and the limits described in the Treaty of Paris, Dec. 10, 1898, the United States-Spain Treaty of Nov. 7, 1900, and United States-United Kingdom Treaty of Jan. 2, 1930, are considered to be the territorial sea.
Singapore	Not available		
Thailand	12 miles	12 miles	
Vietnam	Not available	20 kilometers (10.8 miles)	
EUROPE			
Albania	10 miles	12 miles	
Austria	No coast		
Belgium	3 miles	12 miles [1]	
Bulgaria	12 miles	do	
Byelorussian S.S.R	No coast		
Czechoslovakia	do		

Country	Territorial sea	Fishing limits	Other
EUROPE—Continued			
Denmark	3 miles	12 miles [1]	
Greenland		do	
Faroe Islands		do	
Federal Republic of Germany.	3 miles	(2)	
Finland	4 miles	4 miles	
France	3 miles	12 miles [1]	
Greece	6 miles	6 miles	
Holy See	No coast		
Hungary	do		
Iceland	Not available	12 miles	
Ireland	3 miles	do [1]	
Italy	6 miles	do [1]	
Luxembourg	No coast	(2)	
Malta	3 miles	3 miles	
Monaco	Not available		
Netherlands	3 miles	(2)	
Norway	4 miles	12 miles	
Poland	3 miles	3 miles	
Portugal	No claims	12 miles [1]	
Romania	12 miles	do	
Spain	6 miles	do [1]	
Sweden	4 miles	do [1]	
Switzerland	No coast		
Ukrainian S.S.R	12 miles	12 miles	
U.S.S.R	do	do	
United Kingdom	3 miles	do [1]	
Oversea areas	do	3 miles	
Yugoslavia	10 miles	10 miles	
NORTH AMERICA			
Canada	3 miles	12 miles	
United States	do	do	
SOUTH AND CENTRAL AMERICA AND CARIBBEAN			
Argentina (Dec. 29, 1966)	200 miles	200 miles	Continental Shelf, including sovereignty over superjacent waters.
Barbados	Not available		
Bolivia	No coast		
Brazil	6 miles	12 miles	
Chile	50 kilometers	200 miles	
Colombia	6 miles	12 miles	
Costa Rica	3 miles		"Specialized competence" over living resources to 200 miles.
Cuba	do	3 miles	
Dominican Republic	do	15 miles	
Ecuador	200 miles	200 miles	
El Salvador	do	do	
Guatemala	12 miles	12 miles	
Guyana	Not available		
Haiti	6 miles	6 miles	
Honduras	12 miles	12 miles	
Jamaica	3 miles. Decision announced for 12 miles territorial sea.		
Mexico	9 miles	12 miles	
Nicaragua	3 miles	200 miles	Continental Shelf, including sovereignty over superjacent waters.
Panama	200 miles	do	Do.
Paraguay	No coast		
Peru	200 miles	200 miles	
Trinidad and Tobago	3 miles	3 miles	
Uruguay	6 miles	12 miles	
Venezuela	12 miles	do	
SOUTH ASIA AND NEAR EAST			
Afghanistan	No coast		
Ceylon	6 miles	6 miles	Claims right to establish conservation zones within 100 nautical miles of the territorial sea.
Cyprus	12 miles	12 miles	
India	6 miles	100 miles	
Iran	12 miles	12 miles	
Iraq	do	do	
Israel	6 miles	6 miles	
Jordan	3 miles	3 miles	
Kuwait	12 miles	12 miles	
Lebanon	Not available	6 miles	
Maldive Islands	do	do	
Nepal	No coast		
Pakistan	12 miles	12 miles	Plus right to establish 100-mile conservation zones.
Saudi Arabia	do	do	
Syria	do	do	Plus 6 miles "necessary supervision zone."
Turkey	6 miles	do	
Yemen	12 miles	do	

[1] Parties to the European Fisheries Convention which provides for the right to establish 3 miles exclusive fishing zone seaward of 3-mile territorial sea plus additional 6-mile fishing zone restricted to the convention nations.

[2] Sig atories of the European Fisheries Convention.

Mr. KUCHEL. Mr. President, I associate myself with the comments made by the Senator from Michigan in the colloquy. I agree with him that the jurisdiction over the high seas constitutes a world problem, and an urgent one—one that deserves, in my opinion, high priority for inquiry by the Foreign Relations Committee. I, too, hope hearings may be held so that the whole broad issue can be ventilated and action taken together with other interested maritime nations.

Mr. GRIFFIN. I appreciate the statement of the Senator from California.

Mr. President, I realize full well that

this is a very complex subject and, in some respects, a delicate matter. I have no desire to force hasty action on such a fundamental question.

I quite understand and agree that this is the kind of a matter which should be thoroughly considered by the appropriate committee of Congress. I trust that it will be. In view of the assurances of the chairman of the Senate Foreign Relations Committee that this matter will be considered, and that such consideration will include the resolution which I have introduced, I ask unanimous consent that my amendment may be withdrawn.

The PRESIDING OFFICER. The Senator from Michigan does not need unanimous consent. He can merely withdraw his amendment.

Mr. GRIFFIN. I withdraw my amendment.

Mr. TOWER. Mr. President, I support S. 2269 and urge that the Senate give quick approval to the measure. The bill is designed to reimburse U.S. fishing vessel owners for equipment that is seized by foreign countries in waters which are recognized by the United States to be international. Some countries today claim that their national boundaries extend out some 200 miles from their shore and prohibit fishing within this area by American fishermen. The United States, on the other hand, recognizes a 3-mile limit and does not prohibit the vessels of any other nation from fishing outside of this 3-mile limit.

The great inequities incurred by these boundaries of 200 miles, which are not officially recognized by the United States, result in the loss to American fishermen of some of the richest fishing grounds in the world. When American vessels enter into these restricted areas, which we contend are international waters, they are generally confiscated and the owners heavily fined by the nations claiming these exaggerated borders, resulting in great loss to the owners and operators alike. Yet, if these boundaries were recognized and observed, the fishing industry would per force go into a great decline.

This measure would have the effect of providing compensation to documented and certified fishermen whose vessels and catch are so seized. For this reason we must favorably consider this legislation. This amendment, however, is no substitute for the longstanding policy of the United States of freedom of the seas which we must vigorously pursue. Nevertheless, it does give temporary relief to the tuna and shrimp industries which are so adversely affected. Without this measure, these two important industries are in grave danger.

I am pleased, therefore, to vote for this measure.

S. 2269 HELPS PROTECT THE TEXAS FISHING INDUSTRY

Mr. YARBOROUGH. Mr. President, this legislation to provide additional protection to owners of private fishing vessels seized by foreign countries will be of great benefit to the fishing industry of my home State of Texas, as well as to the Nation.

In my first year as a U.S. Senator, more than 10 years ago, I made an extensive effort to bring about more reasonable treatment for Texas shrimp boats fishing near the Mexican coast. I was privileged to chair my first field hearings for the U.S. Senate, held in Brownsville, Tex., and held conferences in Mexico City aimed at reducing interference with the Texas shrimp fleet. I feel this protection provided in this bill is essential for the security and growth of our fishing industry, especially the shrimp boat operators.

To illustrate the concern and interest of the Texas Shrimp Association, both the President, Mr. Jim Jackson, and the executive director, Mr. O. M. Longnecker, Jr., have been in contact with me by telegram in support of this legislation.

I feel this partnership affair with the domestic industry and the Government is warranted and should be enacted by this body.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. FULBRIGHT. Mr. President, I only wish to make a very brief statement. The matter was considered in the Committee on Foreign Relations. I spoke earlier of why I think the precedent set by this what I consider special legislation is not good. I do not wish to reiterate that statement.

I ask unanimous consent that the report of the Committee on Foreign Relations be inserted in the RECORD as a part of my remarks.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that following the printing of the report of the Committee on Foreign Relations, the report of the Committee on Commerce be inserted in the RECORD.

Mr. HOLLAND. Mr. President, I raise the point of order that neither of these requests is in order.

The PRESIDING OFFICER. The point is well taken, but excerpts can be printed.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that excerpts from the report may be printed in the RECORD at this point.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would amend the act of August 27, 1954 (68 Stat. 883), commonly known as the Fishermen's Protective Act. That act provides that the United States will reimburse the owner of a private vessel for fines paid in order to secure the vessel's prompt release when it is seized by a foreign country while operating in territorial waters or on the high seas claimed by that country but not recognized by the United States. This bill would amend that act as follows:

1. It would broaden the scope of reimbursement to include license fees, registration fees, and other direct charges in addition to fines.

2. It would authorize establishment of a guaranty program, administered by the Secretary of the Interior, to reimburse fishing vessel owners for certain specified losses suffered as a result of the seizure and detention of their vessel while operating in disputed international waters, including (*a*) damage or destruction of the vessel and its gear, (*b*) market value of the fish spoiled or confiscated, and (*c*) up to 50 percent of the estimated gross income lost as a result of the seizure.

3. The guaranty program would be financed through a fee system and appropriated funds. The fee to be paid by the vessel owner would be fixed to cover administrative costs and "a reasonable portion" of the reimbursements for losses. Vessel owners would be required to pay in fees at least one-third the costs of the program.

4. An appropriation of $150,000 annually is authorized for the guaranty program, and the life of the program is limited to 4 years.

COMMITTEE ACTION

S. 2269 was referred to the Committee on Foreign Relations by unanimous consent on November 30, with instructions to report back to the Senate by December 11, 1967. The Committee on Commerce had original jurisdiction over the bill.

The Committee on Foreign Relations held a hearing, in executive session, on the bill on December 7 and heard testimony from the following representatives of the executive branch: Mr. Donald L. McKernan, Special Assistant for Fisheries and Wildlife to the Secretary of State, and Mr. Carl F. Salans, Deputy Legal Adviser, Department of State. On December 8 the committee considered the bill further in executive session and by a vote of 13 to 5 decided to recommend to the Senate that the bill not be passed.

BACKGROUND

Seven countries in Latin America (Argentina, Chile, Ecuador, El Salvador, Nicaragua, Panama, and Peru) claim fishing rights or territorial jurisdiction of 200 miles to sea. At least three other countries, Costa Rica, Colombia, and Uruguay, are considering similar jurisdictional claims. The United States, by statute (Public Law 89–658), claims a 12-mile limit for fishing purposes. It does not recognize the legality for jurisdictional claims beyond 12 miles of other countries, in the absence of international agreement to the contrary. For a number of years, American fishing vessels have been harassed while fishing on the high seas adjacent to Latin American countries, particularly by Ecuador and Peru. According to the Department of State, in 1967 there have been nine seizures of tuna boats on the high seas by Ecuador and two by Peru. Sporadic efforts have been made to reach a diplomatic solution to the problem, thus far without any permanent success.

In 1965 Congress amended the Foreign Assistance Act to require that consideration be given to cutting off foreign assistance to any country which seized or imposed penalties on our fishing vessels while operating in international waters. But this provision has never been invoked. On December 1, 1967, the Senate passed H.R. 6167, which contained an amendment added by the Committee on Foreign Relations, to insure that U.S. warships on loan to foreign countries, whose loan would be extended by that bill, would be reclaimed if the borrowing country harassed our fishing vessels while in international waters. The committee added this restriction in order to insure that U.S.-owned warships on loan to foreign countries do not contribute, directly or indirectly, to the capacity of any country to harass our fishing vessels while they are engaged in operations which the U.S. Government considers to be legal under international law.

COMMITTEE VIEWS

The Committee on Foreign Relations is well aware of the difficulties American fishing vessels have encountered while operating in South American waters and the committee believes that the rights these vessels as-

sert should be supported vigorously by the full diplomatic resources of our Government. But, two important principles are involved here which caused the committee to reject this bill—preference and precedent.

The committee does not believe that fishing vessel owners should be singled out for preferential treatment from other Americans who suffer losses at the hands of a foreign government while they are engaged in activities which our Government considers to be lawful. To do so would discriminate against many other Americans with claims against foreign governments and create a precedent which would indirectly obligate the Congress to provide similar treatment for compensation of other claimants against foreign governments. The rights of U.S. citizens to engage in activities abroad, which are lawful in the eyes of our Government, should not be divided into preferential and nonpreferential categories. This bill would have the Congress approve assumption of public responsibility for only one category of losses, thus making rights of fishing vessels owners entitled to more Government protection than the rights of other claimants. It is one thing for the Congress to pass legislation to indemnify all citizens for valid claims against a foreign government, due to its violation of a law or treaty, but it is quite another for the Congress to single out one group of claimants for reimbursement at public expense, as this bill seeks to do.

The issue which concerned the committee was stressed in the General Accounting Office's comments to the Committee on Commerce on S. 2269. In a letter to Senator Magnuson, chairman of the committee, dated October 30, 1967, Frank H. Weitzel, Assistant Comptroller General, stated:

"While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement or an insurance program, from the Government for the value of properties that are seized by foreign countries in violation of treaties or international law (S. Rept. 815, 90th Cong., first sess., p. 11)."

The letter report on S. 2269 from the Department of State also recognized the preferential nature of this bill. Assistant Secretary of State William B. Macomber, Jr., stated in a September 6, 1967, letter to Senator Magnuson:

As a matter of principle, the items for which this bill would provide compensation out of public funds are in reality claims against foreign governments. They are but one type of a countless variety of claims by U.S. citizens against foreign governments throughout the world. All such claims are based on conduct of the foreign government claimed by the Government of the United States to have been improper or illegal under international law. It may be pointed out that cases here involving fishing vessels are no different, for example, than claims arising out of taking property and other international claims. Such claims have not been paid out of public funds. (S. Rept. 815, 90th Cong., first sess., p. 9.)

But the Department of State letter then brushes this problem aside by saying that the Congress created a precedent in passing the 1954 act which authorizes assistance, including reimbursements for fines paid, to fishermen whose vessels are seized. As a second mitigating factor, Mr. McKernan, in testimony before the Committee on Foreign Relations, repeated the point that the Department recognized the preferential character of the bill but then said:

"In order to avoid setting an undesirable precedent in this regard, the proposed legislation provides that the fishing vessel owners * * * will pay to the Government fees adequate to cover the cost of administering the guarantee program and equal to at least one-third of the Government's contribution."

The committee does not believe that the 1954 statute, providing for reimbursement of fines paid by vessel owners, should be considered in any way a precedent for making good, at public expense, general losses suffered by fishermen as a result of their seizure or detention. Payment by fishermen of one-third the cost of the indemnity program does not make this any less a preferential device to aid one category of claimants.

The program carries a built-in, mandatory subsidy with the Government required to pay up to two-thirds the total cost. If the program were to be completely self-supporting, the argument for special treatment would be more plausible, but losses under the indemnity program will be indemnified primarily out of public funds, not from owner fees. The mere fact that there will be some small degree of private financing does not remedy the basic defects of preference and precedent.

The committee has noted that there is no authority to reimburse fines paid to U.S. individuals arrested or detained by a foreign government while they were acting in accordance with what the United States considered to be their rights under international law. As a matter of public policy it is hard to justify reimbursement with public funds of commercial losses—the fines paid to get vessels released—without according similar treatment to U.S. citizens who are wrongfully imprisoned abroad. But such is the case under existing law. To expand the principle of public responsibility, incorporated in the 1954 statute, to cover general commercial losses incurred in the process of asserting rights under international law does further violence to the concept that all citizens should receive equal protection from their government of their rights.

Although the circumstances concerning the losses being suffered by tuna boat owners are somewhat unique, they are not so unique that the passage of this bill would not create precedents likely to plague the Congress in years ahead. The solution proposed in the bill does not provide the Congress with any reasonable guidelines in trying to meet similar demands in the future from U.S. citizens with claims against foreign countries.

A precedent could also be created for some degree of mandatory government subsidization of the investment guaranty program, where the basic authority is silent on the question of whether or not the program is to be self-supporting. It is highly unlikely that the Congress would continue the investment guaranty program, in the light of our current balance-of-payments problems and other considerations, if the Foreign Assistance Act required, as a matter of law, a high degree of Government subsidization of losses incurred by investors, as does the guaranty program to be authorized by S. 2269.

The point has been made that this is to be a temporary program of only 4 years, pending the conclusion of a satisfactory agreement on the problem through negotiations. The dispute over fishing rights in South American waters has existed for some 15 years. Negotiations seeking a solution were underway in 1954 when Congress passed the law which is being invoked as a precedent for special treatment for fishermen, and for passage of this bill. Temporary programs under our system have a habit of becoming quite permanent and the committee has serious doubts that it would be possible to rescind the authority for special preferences for fishermen even after a reasonable solution had been reached.

CONCLUSION

In what cases, if any, is the public interest served by Government subsidization of losses incurred by U.S. citizens in asserting their rights, under international law, against a foreign government? That is the basic issue posed by this bill. The committee believes that consideration of indemnification for fishing vessel owners should be considered by Congress in this larger context, and not as an isolated problem as assumed in this bill. This general problem should be given further study within the executive branch.

The committee is sympathetic to the problems faced by operators of fishing vessels who seek to exercise rights supported by the U.S. Government. But the committee is not persuaded that claims arising from exercise of these rights are any more deserving of support through public funds than the many other types of claims against foreign governments arising out of violations of treaties or international law. To single out losses of fishermen for reimbursement at public expense would put the Government in the position of singling out one class of claims for special treatment, thus making the protection of fishing rights a greater public good than the protection of other rights of American citizens, which are being infringed constantly by foreign governments.

The committee does not have a simple solution to this highly emotional problem. It can only urge that new and more vigorous efforts be made to reach a workable agreement through all diplomatic channels available. Witnesses from the executive branch told the committee that a conference on the problem with Chile, Ecuador, and Peru may be held sometime in early 1968. The committee expects that every effort will be made to bring about such a conference. The committee also expects that any approach for considering this problem within the Organization of American States, the United Nations, or the International Court of Justice will be pursued.

Mr. MAGNUSON. I also ask that excerpts from the reports to which I referred be printed in the RECORD.

There being no objection, excerpts from the reports were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill is an amendment to the act of August 27, 1954, commonly known as the Fishermen's Protective Act, which now provides that in cases where a private vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and when there is no dispute of material facts as to the location or activity of such vessel at the time of seizure, fines paid in order to secure the prompt release of the vessel shall be reimbursed by the Secretary of the Treasury upon certification of the Secretary of State.

S. 2269 would provide as follows:

1. For all U.S. vessels, it would broaden the scope of reimbursement to be made by the Secretary of the Treasury—upon certification by the Secretary of State—to include license fees, registration fees, and any other direct charges in addition to fines.

2. For U.S. commercial fishing vessels, it would add a new section which would empower the Secretary of the Interior to enter into agreements with vessel owners to guarantee payment to the owners of certain actual costs resulting from seizure and detention of a vessel, including damage, destruction, loss, or confiscation of the vessel, its fishing gear or other equipment, dockage and utility fees, payment to the owner and crew of the market value of fish confiscated or spoiled during the detention of the vessel, and payment to owners and crew of up to 50 percent of the estimated gross income lost as a result of the seizure or detention. The Secretary of the Interior would be authorized to establish fees to be paid by vessel owners entering into such agreements, the fees to be adequate to cover the cost of administration of the guarantee system and

a reasonable portion of payments under this system. The amount fixed by the Secretary shall be predicated upon at least 33⅓ percent of the contribution by the Government. The establishment of the guarantee system would be limited to 4 years beginning 180 days after enactment.

GENERAL STATEMENT

Your committee heard a number of witnesses on S. 2269, both Government and industry, and there is apparent unanimity as to need for such legislative amendments as outlined.

As Mr. Crowther, Director of the Bureau of Commercial Fisheries, Department of Interior, testified:

"We have consistently encouraged the U.S. commercial fishing industry to increase rapidly their exploitation of the fishery resources of the high seas; that is, beyond the territorial waters of foreign countries. In addition, the United States has constantly, over the years, asserted the doctrine of the freedom of the seas.

"Despite this policy, American fishing vessels continue to be harassed and unlawfully seized and detained while conducting fishing operations on the high seas. The illegal seizure and unlawful detention of U.S. fishing vessels is the result of certain nations extending their jurisdiction over extreme distances from their coasts, to as much as 200 miles, far beyond internationally accepted limits * * *"

Testimony before your committee has revealed that many of these countries not only assert fishery jurisdiction in these areas upwards of 200 miles, but claim complete sovereignty. In effect, then, the American fishing vessels are defending the U.S. policy of freedom of the seas, beyond the question of fishery jurisdiction. Despite the usefulness of the act of 1954, they are doing so at great individual loss, as the reimbursement of fines is often only a part of the cost involved in a vessel seizure.

Mr. August Felando, general manager of the American Tunaboat Association of San Diego, Calif., appeared before your committee. His organization represents some 25,000 tons of the total American carrying capacity of 38,000 tons in the tuna fleet.

Mr. Felando, in his statement, was careful to note that S. 2269 clearly provides that each claimant must prove that the U.S. rights with respect to freedom of navigation or freedom of fishing has been violated, as provided in section 2 (a) and (b) of the bill.

In his testimony, Mr. Felando cited a letter from Mr. Leonard C. Meeker, Legal Adviser of the U.S. Department of State, dated November 4, 1966, responding to questions rising from the present act of 1954. Mr. Meeker stated:

"Secretary Rusk has asked me to reply to your letter of October 10, 1966, in which you inquire in substance whether the Department would regard the provisions of 22 U.S.C. 1971–76 henceforth as applicable to the seizure of a vessel fishing within 12 miles of the coast of a country claiming a 12-mile territorial sea.

"By its terms the statute applies only in the case of a vessel seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States * * *. As you are aware, the United States now claims a contiguous fisheries zone extending 9 miles beyond the 3-mile territorial sea. The question is thus whether the United States is prepared to regard as illegal a seizure made by another country where the U.S. Government would take similar action in parallel circumstances.

"In view of the foregoing, it is the opinion of the Department of State that the provisions of 22 U.S.C. 1971–76 would not apply to a case in which a U.S. vessel had been seized while fishing within 12 miles of the coast of a country claiming a 12-mile territorial sea."

Your committee feels that the reimbursement provided in S. 2269 is equitable as it reduces the economic burden placed now upon the vessel owners, a burden that would not have come about if U.S. vessels were free from wrongful seizure on the high seas.

While diplomatic activities continue—particularly with South American countries—to resolve the present differences of opinion regarding the extent of fishery harvest, the most effective means of asserting the doctrine of freedom of the seas by the United States is to insure that U.S. fishing vessels actively participate in this harvest.

S. 2269 does not provide for total reimbursement of seizure and detention cost to U.S. fishermen. Rather, it establishes a plan for the Government and vessel owner to jointly finance an insurance program to reasonably reduce the present losses to vessels in the said areas now subject to wrongful seizure.

The problems associated with fishing off foreign coasts by U.S.-flag fishing vessels is not confined to the American tuna fleet.

William R. Neblett, executive director of the National Shrimp Congress, Inc., Key West, Fla., also appeared before your committee at hearings in support of S. 2269. The National Shrimp Congress, Inc., represents about 70 percent of the domestic shrimp industry, which is No. 1 in dollar value to the U.S. fisheries.

Mr. Neblett testified, in part:

"* * * We believe this is a fair piece of legislation as proposed. It is a partnership affair in which the domestic industry shares, as it is not one of the giveaway programs to which some of the public might be opposed.

"With regard to the specific legislation that is proposed here with respect to S. 2269, to provide additional protection for owners of private fishing vessels seized by foreign countries, the shrimp industry of the United States is very definitely in favor and urges the passage of this legislation. * * *"

PERIL OF LIFE ON THE HIGH SEAS

U.S.-flag fishing vessels—particularly those operating for tuna off South America—have additional factors of concern beyond reimbursements as provided in the Fishermen's Protective Act of 1954 and the proposals outlined in S. 2269.

Perhaps the best example presented in hearings before your committee was that of the tuna vessel *Mayflower*, which occurred on December 6, 1965. In this instance a Peruvian naval vessel intercepted and attempted to seize the vessel at a point some 75 miles off the coast of Peru. This matter was thoroughly investigated by the U.S. Coast Guard and your committee is satisfied as to the authenticity of the report. Actual photographs indicate the damaging and converting by the Peruvian Navy of an outboard vessel used by the *Mayflower* in her fishing operation. The photographs also showed the Peruvian naval officer armed with a shotgun just after spraying the bridge and pilot house of the American tuna vessel *Mayflower*. Fortunately, the master and navigator, the only members of the 13-man crew aboard who were hit, suffered only slight wounds from the shotgun pellets.

SUMMARY

These do not appear to your committee to be isolated or rare instances. Indeed, testimony at hearings indicates that between the period January 1961, through September 1967, more than 50 percent of the U.S. tuna fleet has been involved in either seizures, harassments, or unfortunate incidents.

Your committee does not feel that this is the ultimate answer to the problems faced by U.S.-flag fishing vessels off foreign coasts. The bill calls for a 4-year program. It will, however, assist these fleets in their defense of U.S. high-seas policy in the hope that the problems may be resolved more equitably and satisfactorily in the time allowed.

PURPOSE OF AMENDMENTS TO S. 2269

There are two amendments to S. 2269. The first one: "The amount fixed by the Secretary shall be predicated upon at least 33⅓ percent of the contribution by the Government" to assure that the owners of commercial fishing vessels will assume their fair share of the costs involved.

The second amendment: "in an amount not to exceed $150,000 annually" is for the purpose of placing an annual limitation for each of the 4 years on the amount authorized to be appropriated to carry out the provisions of the bill.

COST

The Interior Department, in testimony before your committee, estimates the cost of S. 2269, on an annual basis, for the specified period of 4 years, would be $142,500, with the cost to the participating vessel owners set at $87,500. The bill specifies that the annual authorization for the added section of this amendment shall not exceed $150,000.

AGENCY REPORTS

The reports of the agencies and departments follow:

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 29, 1967.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested this Department's views and recommendations on S. 2269, a bill to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

We recommend the enactment of S. 2269 with the amendment suggested below.

The Fishermen's Protective Act directs the Secretary of State to attend to the welfare of the crew of any vessel of the United States seized by a foreign country on the basis of rights or claims not recognized by this country in territorial waters or on the high seas. The State Department is also directed to secure the release of the vessel and crew. In carrying out these functions, the Secretary must find that there is no dispute of material facts relative to the vessel's location and activities when seized. If the vessel owners must also pay a fine to secure release, then the act directs the Secretary of the Treasury to reimburse the owner in an amount that represents the fine.

The act does not apply to seizures made by a country at war with the United States or seizures made under a fishery convention or treaty to which the United States is a party. The Secretary of State is also directed to recover from the foreign country the amounts expended by the United States under this act. The act applies to fishing vessels and other vessels of the United States.

The Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.), declares "* * * that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

* * * * *

"(2) Protection of opportunity—* * * to fish on the high seas in accordance with international law;".

In administering the 1956 act, this Department strives to stimulate the development of a strong, prosperous, and thriving commercial fishing industry. We have consistently encouraged the U.S. commercial fishing industry to increase rapidly their exploitation

of the fishery resources of the high seas—that is, beyond the territorial waters of foreign countries.

In addition, the United States has constantly, over the years, asserted the doctrine of the freedom of the seas. In this regard, the Department of State in 1954 said:

"The traditional policy of the United States is to support the principle of the freedom of the seas, and it has consistently opposed the efforts of other countries to limit the freedom of the seas by excessive claims to territorial waters. It is the practice of the Department officially to protest claims to the territorial waters greater in breadth than 3 marine miles from the coast [and fisheries jurisdiction in excess of 12 miles] since it is the view of the Department that under international law it is not required to recognize such claims * * * In implementation of that policy every reasonable peaceful effort is being made by the Department to protect American nationals engaged in fishing or other occupations on the high seas." (See S. Rept. 2214, 83d Cong.)

Despite this policy, American fishing vessels continue to be harassed and unlawfully seized and detained while conducting fishing operations on the high seas. The illegal seizure and unlawful detention of U.S. fishing vessels is the result of certain nations extending their jurisdiction over extreme distances from their coasts, to as much as 200 miles, far beyond internationally accepted limits. In a recent case, seizure took place about 75 miles off the coast of the offending foreign country. The U.S. Government has firmly and consistently taken the position that such extension of jurisdiction has no basis in international law. On the occasion of each unlawful seizure, the U.S. Government has lodged strong protests against the responsible government and has devoted considerable efforts in seeking the release of the detained vessel as expeditiously as possible.

The illegal seizures and detentions of our fishing vessels continue and, in fact, appear to be increasing. With more countries unilaterally making similar unreasonable and unjustified claims, it is likely that such seizures may well increase.

Efforts to resolve the problem of fisheries jurisdiction by negotiation have been largely unproductive and, more importantly, have been extremely slow in the eyes of the affected fishermen and vessel owners who are exercising their rights under the "freedom of the seas" doctrine.

The principal purpose of the 1954 act is to provide a clear direction to the Secretary of State to take whatever steps may be necessary to insure the welfare of a seized vessel and its crew while it is unlawfully detained by a foreign country and to obtain the immediate release of the vessel and crew. In addition, the 1954 act provides that if a fine must be paid by the vessel owners to obtain the release of the vessel and crew, then such owners shall be reimbursed by the United States. The reimbursement directly relates to, and is in aid of, the primary purpose of the act—namely, the prompt release of the vessel and crew.

To this extent, the 1954 act has been successful and a decided aid to the commercial fishing industry in this country.

These seizures and subsequent detentions, however, represent a nuisance to the vessel owner, and, in some cases, a constant source of danger to themselves and their crews. Even more importantly, these seizures and detentions result in substantial economic losses to these U.S. citizens. The objective of S. 2269 is to give these fishing vessel owners and, indirectly, their crews, an opportunity to recoup some of these losses.

We agree that some additional assistance to U.S. fisheremen is needed while negotiations are continued with the foreign countries to resolve the problem of fisheries jurisdiction. S. 2269 will provide this assistance.

S. 2269 authorizes a 4-year program of guarantees to the vessel owners and their crews. Under the bill, the Secretary of the Interior will guarantee the vessel owners that he will reimburse them for costs incurred, less any depreciation, as a direct result of illegal seizure or detention, or both, for loss, etc., to their vessels, gear, or equipment, and for dockage fees, and utilities. In addition, the Secretary will pay such owners and their crews up to 50 percent of any income lost as a direct result of such illegal seizure or detention, or both. In making this latter payment, the Secretary will base his determination on the value of the average catch per day's fishing during the three most recent calendar years prior to the seizure of the seized vessel. If such experience is not available, then the Secretary may base his determination on the experience of all fishing vessels of the United States of the same type and size.

We believe it is important to limit the income loss provisions to 50 percent, although we recognize that it will not not compensate the vessels and their crews fully. The highly speculative nature of this feature in the bill leads us to the conclusion that the percentage should be so restricted.

While we firmly believe that this program is needed, we also believe that the United States should not bear its entire cost. Accordingly, the bill provides for the establishment of fees to be paid by the vessel owners to cover a reasonable portion of the costs of this added assistance program. We believe that these fees should be adequate to cover all of the program's administrative expenses and about 25 percent of any payments made under the guarantee. We recognize, however, that experience may show that it is unreasonable to expect to recover all of these costs to this extent. If this is the case, we will make appropriate adjustments in order to provide the needed assistance.

As we have indicated, we also believe that this program should be viewed as a temporary measure. S. 2269 limits it to 4 years. During this time, we hope to be able to enter into negotiations which will obviate the need for an extension of the program. In any event, we will review the program at the end of this period to determine what course of action should be taken.

Lastly, it has come to our attention that, in some cases, foreign countries have required fishing vessel owners to purchase fishing licenses or pay registration fees or other charges in lieu of fines to secure the release of their vessel and crew. While these charges are probably in reality equivalent to a fine, the 1954 act has been interpreted as not being available for making reimbursements for such charges. We believe that such charges should be reimbursed because they are a condition precedent to the prompt release of the vessel and crew, just as a fine is a condition precedent to this release. S. 2269 provides for such reimbursement. These charges would not be included in our estimation of the costs of the guarantee program for the purpose of establishing fees.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program, and that if the committee determines that enactment of S. 2269 is necessary, the Bureau of the Budget strongly believes that the program should be a temporary one, pending continued diplomatic efforts to achieve a lasting solution to the problem.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

DEPARTMENT OF STATE,
Washington, D.C. September 6, 1967.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to your letter of August 11 requesting a report on S. 2269, a bill to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

The act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), commonly known as the Fishermen's Protective Act, provides that when any private vessel documented or certified under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and there is no dispute of material facts as to the location or activity of the vessel at the time of such seizure, the Secretary of State shall as soon as practicable take appropriate action to attend to the welfare of the vessel and its crew and to secure their release. The act further provides that any fine paid by the owners to secure release of their vessel under these conditions shall be reimbursed by the Secretary of the Treasury upon certification by the Secretary of State. The act also directs the Secretary of State to take appropriate action to recover expenditures under this act from the foreign countries whose seizure of U.S. vessel occasioned such expenditures.

If enacted, S. 2269 would amend the act of August 27, 1954, in the following ways:

1. For all U.S. vessels, it would broaden the scope of reimbursements to be made by the Secretary of the Treasury upon certification by the Secretary of State to include license fees, registration fees, and any other direct charges in addition to fines.

2. For U.S. commercial fishing vessels, it would empower the Secretary of the Interior to enter into agreements with vessel owners to guarantee payment to the owners of certain actual costs resulting from seizure and detention of a vessel, including damage, destruction, loss, or confiscation of the vessel, its fishing gear, or other equipment, dockage and utility fees, payment to the owners and crew of the market value of fish confiscated or spoiled during detention of the vessel, and payment to owners and crew of up to 50 percent of estimated gross income lost as a result of the seizure and detention of the vessel. The Secretary of the Interior would be authorized to establish by regulation fees to be paid by vessel owners entering into such agreement, the fees to be adequate to cover the cost of administering the guarantee system and a reasonable portion of payments under the system. Payments would not be made for losses covered by insurance or by any other provision of law, and the effectiveness of the guarantee system would be limited to four years commencing 180 days after enactment.

It is the position of this Government to support the free operations of our fishing vessels outside national fisheries jurisdiction extending to a distance of not more than 12 miles from the coasts of all countries, subject only to international law and agreements. It is also the policy of this Government to support the development of the American fishing industry. Nevertheless, unless effective protection is afforded to American fishing vessels operating in zones of the high seas regarded by foreign governments as within their national jurisdiction on the basis of claims which we consider to be without foundation in international law, both the legal rights espoused by this Government and the continued development of the American fishing industry will suffer.

The Department of State is seeking a positive solution for the vexing problem of seizures of U.S. fishing vessels on the high seas by certain countries. We hope that negotiations for this purpose will take place during the present year and that they will result in a termination of the practice of seizures. Pending the completion of these negotiations there is always the risk of further seizures and further unfair and illegal impositions on our fishermen.

As a matter of principle, the items for

which this bill would provide compensation out of public funds are in reality claims against foreign governments. They are but one type of a countless variety of claims by U.S. citizens against foreign governments throughout the world. All such claims are based on conduct of the foreign government claimed by the Government of the United States to have been improper or illegal under international law. It may be pointed out that cases here involving fishing vessels are no different, for example, than claims arising out of taking property and other international claims. Such claims have not been paid out of public funds.

But in this particular case—that of fishing vessels wrongfuly seized on the high seas—Congress has passed the act of August 27, 1954, for the purpose of assisting the owners of seized vessels to obtain the prompt release of their vessels and crews. Its goal is to give our fishing fleet some protection in addition to that provided by diplomacy.

The act of August 27, 1954, has been of some assistance to the American fishing industry in maintaining and exercising its rights under international law, despite the harassment of seizures which the United States considers illegal. However, the act is not fully effective in its purpose of obtaining the prompt release of vessel and crew. In order to obtain prompt release, owners of vessels are often required not only to pay a fine, but to purchase a fishing license and a temporary registration, and sometimes to pay other fees.

The Department believes that under the circumstances it would be appropriate to establish a temporary program whereby U.S. fishermen who are willing to share in the costs can be provided some additional assistance while negotiation efforts continue and that such an approach will not undermine the principle against public compensation for private claims against foreign governments.

Accordingly, the Department recommends amendment of the act of August 27, 1954, as provided in S. 2269.

The Department believes that these amendments would provide a substantial measure of relief to the American fishing industry without incentive for abuse and serve to support the positions of this Government both in developing our fishing industry and in maintaining our rights under international law.

The Bureau of the Budget advises that there is no objection from the standpoint of the administration's program to the submission of this report and that if the committee determines that enactment of S. 2269 is necessary the Bureau strongly believes that the guarantee program should be a temporary one, as provided in the bill, pending continued diplomatic efforts to achieve a lasting solution to the problem.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., September 6, 1967.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2269, to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

The proposed legislation would add a new section 7 to the act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971), relating to the seizure of vessels by foreign countries, to require the Secretary of the Interior to enter into agreements with owners of commercial fishing vessels to reimburse the owners of such vessels seized by foreign countries for certain losses and costs incurred as a result of such seizures.

The only provisions of the proposed legislation of primary interest to this Department are the provisions in the proposed new section 7(c) which would provide for the crediting of all fees collected by the Secretary of the Interior to a separate account established in the Treasury of the United States and would authorize appropriations to the account. These provisions are satisfactory from the standpoint of this Department.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH,
General Counsel.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., October 30, 1967.

B-108007.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of August 11, 1967, invites our comments on S. 2269, a bill to amend the act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

Under section 3 of the act of August 27, 1954, the owners of private vessels documented or certificated under the laws of the United States which are seized by a foreign country under the conditions enumerated in section 2 are to be reimbursed by the Secretary of the Treasury in the amount certified to him by the Secretary of State as being the amount of the fine actually paid in order to secure the prompt release of the vessel and crew. Section 2 of S. 2269 would amend said section 3 to authorize reimbursement for "license fee, registration fee, or any other direct charge" in addition to the fine actually paid in order to secure the release of the vessel and crew.

S. 2269 would also add a new section 7 under which the owners of vessels of the United States documented or certified as a commercial fishing vessel whose vessels are seized by foreign countries, upon entering into agreements with the Secretary of the Interior, would be indemnified for all actual costs, other than those covered by section 3 of the act, incurred by the owners of such vessels during periods of seizure and detention and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment (B) the loss or confiscation of such vessel, gear or equipment, or (C) dockage fees or utilities. The owners and the crews also would be indemnified for (1) the market value of fish caught before seizure of such vessels and confiscated or spoiled during the period of detention, and (2) not to exceed 50 percent of the gross income lost, on the basis of certain stated factors, by being unable to fish as a direct result of such seizure and detention. The bill further provides for the Secretary to establish by regulation fees to be paid by the owners of vessels entering into indemnification agreements, such fees to be adequate (1) to cover the cost of administering the program and (2) to cover a reasonable portion of any payments made by the Secretary under the program.

While we recognize that the proposed legislation is a matter of policy for the determination of the Congress, we believe that the legislation could establish a precedent for other citizens of the United States to request reimbursement, or an insurance program, from the Government for the value of properties that are seized by foreign countries in violation of treaties or international law. The provisions of proposed subsection 7(c) covering the establishment of fees to be paid by the owners of vessels entering into agreements under the program, allows the Secretary a considerable amount of latitude in determining what would be a reasonable portion of the cost of the program to be covered by such fees. It would appear, depending on circumstances, that the cost of the program to be borne by the Government could become substantial, particularly if on account of the program the vessel owners should become more daring in fishing in waters claimed by foreign countries.

For the foregoing reasons, we believe that if S. 2269 is to receive favorable consideration, the bill should be amended to clarify the respective financial responsibility of the Government and of vessel owners generally under the proposed indemnity program.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

Mr. LAUSCHE. Mr. President, I just want to make two points. The bill Senators are asked to vote upon is a special privilege bill. It creates a precedent that will haunt the Senate in the future. Preferential treatment is being given to fishermen of the United States. Countless other citizens who suffer damage because of the Government's failure to protect them are given no protection. Fishermen are given full protection.

I want to repeat two things: First, preferential treatment; second, the establishment of a precedent. I predict that 10 years from now Senators will be haunted by what this bill has established.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Virginia [Mr. SPONG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Okla-

homa [Mr. HARRIS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], and the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY] are necessarily absent.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Illinois would vote "nay".

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Delaware [Mr. BOGGS]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Delaware would vote "nay".

The result was announced—yeas 49, nays 24, as follows:

[No. 100 Leg.]

YEAS—49

Anderson	Holland	Pell
Bartlett	Hollings	Prouty
Bayh	Inouye	Proxmire
Bible	Jackson	Ribicoff
Brooke	Kuchel	Russell
Burdick	Long, La.	Scott
Byrd, Va.	Magnuson	Smith
Byrd, W. Va.	McGee	Sparkman
Cannon	McGovern	Stennis
Dodd	Mondale	Talmadge
Eastland	Monroney	Tower
Fannin	Moss	Williams, N.J.
Fong	Mundt	Yarborough
Hart	Murphy	Young, N. Dak.
Hartke	Muskie	Young, Ohio
Hatfield	Nelson	
Hill	Pearson	

NAYS—24

Aiken	Curtis	Jordan, Idaho
Allott	Dominick	Lausche
Baker	Fulbright	Mansfield
Carlson	Griffin	McClellan
Case	Hansen	Miller
Church	Hickenlooper	Symington
Cooper	Hruska	Thurmond
Cotton	Javits	Williams, Del.

NOT VOTING—27

Bennett	Harris	Montoya
Boggs	Hayden	Morse
Brewster	Jordan, N.C.	Morton
Clark	Kennedy, Mass.	Pastore
Dirksen	Kennedy, N.Y.	Percy
Ellender	Long, Mo.	Randolph
Ervin	McCarthy	Smathers
Gore	McIntyre	Spong
Gruening	Metcalf	Tydings

So the bill (S. 2269) was passed, as follows:

S. 2269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), is amended by adding at the end thereof a new section to read as follows:

"SEC. 7. (a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certified as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

"(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting from (A) any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that if the type and size of the seized vessel.

"(b) Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale.

"(c) The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33⅓ per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. All payments under this section shall be made first out of such fees so long as they are available, and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section in an amount not to exceed $150,000 annually.

"(d) All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

"(e) The provisions of this section shall be effective for forty-eight consecutive months beginning one hundred and eighty days after the enactment of this section. The Secretary shall issue such regulations and take such other measures as he deems appropriate to implement the provisions of this section prior to such effective date.

"(f) For the purposes of this section—

"(1) the term 'Secretary' means the Secretary of the Interior.

"(2) the term 'owner' includes any charterer of a commercial fishing vessel."

SEC. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973), is amended by inserting a comma after the word "fine" wherever it appears and the words "license fee, registration fee, or any other direct charge".

SEC. 3. Section 5 of the Act of August 27, 1954 (68 Stat. 883, 22 U.S.C. 1975), is amended to read as follows:

"SEC. 5. (a) The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this chapter (including payments made pursuant to section 7) because of the seizure of a United States vessel by such country. If, within one hundred and twenty days after receiving notice of any such claim of the United States, a country fails or refuses to make payment in full, the Secretary of State shall promptly report such failure or refusal to the President. The President shall thereupon suspend all assistance provided under the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), to the government of such country; and such suspension shall continue until the Secretary of State certifies to the President that such claim has been paid in full by such country.

"(b) From any funds programed for the current fiscal year for assistance to the government of a country to which assistance is suspended [as shown in materials concerning such fiscal year presented to the Congress in connection with its consideration of amendments to the Foreign Assistance Act], the Secretary of State shall withhold an amount equal to the total of all such unpaid claims of the United States, which amount shall be transferred to the separate account established in the Treasury of the United States pursuant to section 7(c) for the payment of vessel owners. The Secretary of State shall transmit to the Congress, at least once each fiscal year, a report of all suspensions of assistance and of amounts transferred pursuant to this subsection.

"(c) No provision of law shall be construed to authorize the President to waive the provisions of this section."

SEC. 4. The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), as amended by this Act, may be cited as the "Fishermen's Protective Act of 1967".

Mr. BARTLETT. Mr. President, I ask unanimous consent that we reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BENEFITS FOR CERTAIN LOCAL LAW-ENFORCEMENT OFFICERS—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11816) to provide certain benefits for law-enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Mar. 27, 1968, pp. 7904–7906, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McCLELLAN. Mr. President, the report was signed by all conferees on the part of the Senate and House, and has been agreed to by the House by a record

vote of 375 yeas. The report recommends that we agree to an amendment inserting language agreed to by the conferees in lieu of the matter inserted by the Senate in its amendment to the House bill.

Mr. President, I ask unanimous consent that the conference report be printed at this point in the RECORD.

There being no objection, the conference report was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT (H. REPT. NO. 1187)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11816) to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SECTION 1. (a) Chapter 81 of title 5 of the United States Code is amended by adding the following new subchapter at the end:

"'SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

"'§ 8191. Determination of eligibility

"'The benefits of this subchapter are available as provided in this subchapter to eligible law enforcement officers (referred to in this subchapter as "eligible officers") and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

"'(1) a law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person—

"'(A) for the commission of a crime against the United States, or

"'(B) who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or

"'(C) who at that time was sought as a material witness in a criminal proceeding instituted by the United States; or

"'(2) a law enforcement officer and to have been engaged on that occasion in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime; or

"'(3) a law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States;

and to have been on that occasion not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty. No person otherwise eligible to receive a benefit under this subchapter because of the disability or death of an eligible officer shall be barred from the receipt of such benefit because the person apprehended or attempted to be apprehended by such officer was then sought for the commission of a crime against a sovereignty other than the United States.

"'§ 8192. Benefits

"'(a) BENEFITS IN EVENT OF INJURY.—The Secretary of Labor shall furnish to any eligible officer the benefits to which he would have been entitled under subchapter I of this chapter if, on the occasion giving rise to his eligibility, he had been an employee as defined in section 8101(1) engaged in the performance of his duty, reduced or adjusted as the Secretary of Labor in his discretion may deem appropriate to reflect comparable benefits, if any, received by the officer (or which he would have been entitled to receive but for this subchapter) by virtue of his actual employment on that occasion. When an enforcement officer has contributed to a disability compensation fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of disability coverage for the individual officer.

"'(b) BENEFITS IN EVENT OF DEATH.—The Secretary of Labor shall pay to any survivor of an eligible officer the difference, as determined by the Secretary in his discretion, between the benefits to which that survivor would be entitled if the officer had been an employee as defined in section 8101(1) engaged in the performance of his duty on the occasion giving rise to his eligibility, and the comparable benefits, if any, received by the survivor (or which that survivor would have been entitled to receive but for this subchapter) by virtue of the officer's actual employment on that occasion. When an enforcement officer has contributed to a survivor's benefit fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of survivor's benefits coverage for the individual officer.

"'§ 8193. Administration

"'(a) DEFINITIONS AND RULES OF CONSTRUCTION.—For the purpose of this subchapter—

"'(1) The term "Attorney General" includes any person to whom the Attorney General has delegated any function pursuant to subsection (b) of this section.

"'(2) The term "Secretary of Labor" includes any person to whom the Secretary of Labor has delegated any function pursuant to subsection (b) of this section.

"'(b) DELEGATION.—

"'(1) The Attorney General may delegate to any division, officer, or employee of the Department of Justice any function conferred upon the Attorney General by this subchapter.

"'(2) The Secretary of Labor may delegate to any bureau, officer, or employee of the Department of Labor any function conferred upon the Secretary of Labor by this subchapter.

"'(c) APPLICATIONS.—An application for any benefit under this subchapter may be made only—

"'(1) to the Secretary of Labor

"'(2) by

"'(A) any eligible officer or survivor of an eligible officer,

"'(B) any guardian, personal representative, or other person legally authorized to act on behalf of an eligible officer, his estate, or any of his survivors, or

"'(C) any association of law enforcement officers which is acting on behalf of an eligible officer or any of his survivors;

"'(3) within five years after the injury or death; and

"'(4) in such form as the Secretary of Labor may require.

"'(d) CONSULTATION WITH ATTORNEY GENERAL AND OTHER AGENCIES.—The Secretary of Labor may refer any application received by him pursuant to this subchapter to the Attorney General for his assistance, comments and advice as to any determination required to be made pursuant to paragraph (1), (2), or (3) of section 8191. To insure that all Federal assistance under this subchapter is carried out in a coordinated manner, the Secretary of Labor is authorized to request any Federal department or agency to supply any statistics, data, or any other materials he deems necessary to carry out his functions under this subchapter. Each such department or agency is authorized to cooperate with the Secretary of Labor and, to the extent permitted by law, to furnish such materials to him.

"'(e) COOPERATION WITH STATE AGENCIES.—The Secretary of Labor shall cooperate fully with the appropriate State and local officials, and shall take all other practicable measures, to assure that the benefits of this subchapter are made available to eligible officers and their survivors with a minimum of delay and difficulty.

"'(e) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.'"

(b) The table of sections at the beginning of chapter 81 of title 5 of the United States Code is amended by adding at the end:

"'SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

"'Sec.
"'8191. Determination of eligibility.
"'8192. Benefits.
"'8193. Administration.'

"SEC. 2. The amendments made by section 1 of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act."

And the Senate agree to the same.

Amend the title so as to read: "An Act to provide compensation for law enforcement officers not employed by the United States killed or injured while apprehending persons suspected of committing Federal crimes, and for other purposes."

And the Senate agree to the same.

ROBERT T. ASHMORE,
WILLIAM L. HUNGATE,
HERBERT TENZER,
JOSHUA EILBERG,
HENRY P. SMITH III,
THOMAS J. MESKILL,
CHARLES W. SANDMAN, Jr.,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
SAM J. ERVIN, Jr.,
PHILIP A. HART,
EDWARD M. KENNEDY,
ROMAN L. HRUSKA,
HUGH SCOTT,
STROM THURMOND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11816) to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The conference report recommends that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment. The amendment is to insert the language agreed to by the conferees in lieu of the matter inserted by the Senate in its amendment to the House bill.

The bill, H.R. 11816, passed the House substantially in the form set forth in the conference report, that is, the bill provided for the amendment of chapter 81 of title 5 of the United States Code by the addition of a

new subchapter III providing for benefits to law enforcement officers. Section 8191 of the new subchapter provides for the determination of eligibility. This section adopts the House language in providing that the benefits of the subchapter are to be available to eligible law enforcement officers and their survivors and these benefits are those defined in subchapter 1 of chapter 81 of title 5 of the United States Code, which provides for compensation for work injuries suffered by employees of the United States. The conference substitute provides that the Secretary of Labor is to make the determination of eligibility for benefits. At the time of injury the individual must have been a law enforcement officer engaged in the apprehension or attempted apprehension of any person (*a*) for a commission of a crime against the United States, or (*b*) at that time was sought by a law enforcement authority of the United States for a commission of a crime against the United States, or (*c*) who at that time was sought as a material witness in a criminal proceeding instituted by the United States. An eligible officer would also be an individual injured while protecting or guarding an individual held for the commission of a crime against the United States, or as a material witness in a criminal proceeding instituted by the United States. Similarly, an officer injured in the lawful prevention of or lawful attempt to prevent the commission of a crime against the United States will be entitled to the benefits authorized under the new subchapter. The balance of the provisions of section 8191 substantially retains the provisions originally approved by the House in that an eligible officer is one not an employee of the United States as defined in section 8101(1) of title 5 and shall be an individual who on the particular occasion referred to in the above categories shall have sustained a personal injury for which the United States would be required under subchapter 1 of chapter 81 of title 5 to pay compensation if he had been on that occasion an employee engaged in the performance of his duty. The effect of these provisions is that the standards and benefits of chapter 81 of title 5 will provide the basis for compensation for such law enforcement officers. This will assure that a common standard will be followed for benefits paid by the Federal Government to Federal officers and to State and local officers as is provided in the conference substitute.

Section 8192 in the conference substitute is identical to the section as originally approved by the House.

Section 8193 was modified by the deletion of a requirement that the Secretary of Labor refer any application to the Attorney General. This change was necessitated by the change to section 8191 which vests in the Secretary of Labor the responsibility of determining eligibility. The authority for consultation with the Attorney General is provided in a new subsection (d) which provides authority to the Secretary of Labor to consult with the Attorney General or to consult with any other affected Department concerning matters relevant to persons' compensation under the new subchapter.

The balance of the conference report retains the language of the House-passed bill with an amendment to the title of the bill revising the language of the title, and reflects the changes agreed to in conference.

The conference report in following the language of the House bill has the effect of incorporating definitions and standards fully set forth in the Federal employee compensation provisions of chapter 81 of title 5 of the United States Code. The Senate amendment included several definitions which are therefore not included in the language of the conference report since title 5 contains standard definitions of the same terms. As has been noted, the conference substitute refers to the law enforcement officers who would be eligible for benefits in the event of injury as law enforcement officers not employed by the United States. The intent is to cover law enforcement officers employed by various governmental subdivisions and to avoid an attempted enumeration of the particular subdivisions involved. The conferees felt that an attempted enumeration might result in an unintended limitation. In the course of the debate on the bill, H.R. 11816, on the floor of the House on September 11, 1967, this point was emphasized. For example, it is intended that the provisions will cover officers employed in the Commonwealth of Puerto Rico as well as those by States and by local jurisdictions.

ROBERT T. ASHMORE,
WILLIAM L. HUNGATE,
HERBERT TENZER,
JOSHUA EILBERG,
HENRY P. SMITH III,
THOMAS J. MESKILL,
CHARLES W. SANDMAN, Jr.,
Conferees on the Part of the House.

Mr. McCLELLAN. Mr. President, the purpose of the bill is to provide compensation for law-enforcement officers not employed by the United States who are killed or injured while apprehending or attempting to apprehend persons suspected of committing Federal crimes. The Senate version placed the administration of this program under the Attorney General. The conference substitute provides that the Secretary of Labor will make the determinations as to eligibility and pay compensation in accordance with the standards and benefits set forth in chapter 81, title 5, United States Code, which provides for the compensation for work injuries of persons employed by the United States. In making his determinations, the Secretary of Labor may consult with the Attorney General. This procedure will insure that the same standards will be followed and like benefits will be paid to Federal officers and to State and local officers injured in similar circumstances.

The purpose of this measure is commendable. We will be providing some compensation for injuries received while State or local officers are assisting Federal officers. The cost will be small, but it seems fitting that the Federal Government provide some compensation for the injuries resulting from their assistance in Federal work.

Mr. President, I move the adoption of the conference report.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, I am very grateful for the submission of the conference report and the progress that has been made upon it.

As one of the members of the Judiciary Committee who attended the hearings, and as one of the conferees, I was able to witness what was done on the bill in its original form.

The concept was a little new. There were some problem areas that appeared not only in the policy field, but also in the matter of administration. Happily, they were solved, and I think in a solid way, by bringing into the picture the Department of Labor in the one instance and the attachment of the law to the civil service in a very beneficial way.

I commend the chairman of our subcommittee for his patience as well as for his very fine work in obtaining the final product.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately prior to the recognition of the Senator from Indiana [Mr. HARTKE], following the routine morning business tomorrow, the Senator from Arizona [Mr. FANNIN] be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is or ordered.

MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86–420, appoints the Senator from Utah [Mr. Moss] to attend the Mexico-United States Interparliamentary Conference to be held at Honolulu, Hawaii, on April 11 to 17, 1968, in place of the Senator from Tennessee [Mr. GORE].

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 4, 1968, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate April 3, 1968:

U.S. TARIFF COMMISSION

Bernard Norwood, of New Jersey, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1969, vice Dan H. Fenn, Jr.

CONFIRMATION

Executive nomination confirmed by the Senate April 3, 1968:

DEPARTMENT OF JUSTICE

William C. Keady, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

EXTENSIONS OF REMARKS

Cessna A–37 Passes Test in Vietnam

HON. GARNER E. SHRIVER
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. SHRIVER. Mr. Speaker, we in Kansas are justifiably proud of the contributions which our citizens have made to the defense and security of our Nation. Kansas' sons have been in the forefront in making up the manpower needs of our Armed Forces. The aviation industry of Kansas has been a leader in providing aircraft which has insured air superiority whenever it has been needed. Recently the Air Force looked to its basic T–37B jet trainer, produced by the Cessna Aircraft Co., for modification into a light strike fighter for use in Vietnam. Twenty-five A–37's recently completed a 120-day evaluation program in the Southeast Asia war zone. The results were successful and have been greeted with enthusiasm by U.S. military authorities.

As I stated, this airplane is manufactured by the Cessna Aircraft Co., which is in my congressional district at Wichita, Kans. We are proud of the company, its management and labor team, and the contributions which it has made to aviation progress of our great Nation.

Under the leave to extend my remarks in the RECORD, I include a recent article on the success of the A–37 South Vietnam tests from Aviation Week & Space Technology and a report carried by the Wichita Eagle. I know my colleagues in the House will find these articles of interest. The articles follow:

[From Aviation Week & Space Technology]

A–37 PROVES EFFECTIVE IN VIETNAM TESTS

WASHINGTON.—Cessna A–37A modification of the basic T–37B jet trainer has proved to be an effective light strike fighter in the permissive environment of South Vietnam against an enemy with few heavy anti-aircraft weapons and without air support of its own.

A provisional squadron of 25 aircraft recently completed a four-month evaluation of the aircraft in South Vietnam under carefully-controlled conditions so that raw performance data could be fed into an International Business Machines Corp. 1401 computer system for a final, detailed evaluation of its effectiveness.

The project, designated "Combat Dragon," was designed to test the A–37's ability to perform six basic missions:

Close air support.

Armed escort for Army troop-carrying helicopters flying into hostile areas.

Combat air patrol for truck convoys moving near the Cambodian border as a protection against Communist Viet Cong ambush.

Armed reconnaissance.

Airborne platform for forward air controllers (FACs) directing tactical aircraft to their targets on strike missions.

Night interdiction, primarily striking at North Vietnamese supply trucks operating within the so-called "demilitarized zone" that divides North and South Vietnam.

While final evaluation of the data is not yet complete, Col. Heath Bottomly, head of the "Combat Dragon" exercise, said the A–37 scored a "middle A" in its close-support assignment and a "middle or low B" as an FAC aircraft. Grades for the other missions, he said, were "scaled between" the close-support high and the FAC low.

"This aircraft can perform the tactical air mission without question in the permissive environment of South Vietnam," says Bottomly. He was commander of the Republic F–105 Combat Crew Training Wing at Nellis AFB, Nev., before his "Combat Dragon" assignment and soon is to take over command of the North American F–100 tactical fighter wing at Tuy Hoa air base in central South Vietnam.

Its major deficiency as an FAC aircraft, he adds, is its mid-mounted, long, flat wing that hampers downward visibility from the cockpit as the pilot searches for the Communist troops often concealed beneath a thick jungle canopy. Other areas where its capabilities are "modest," according to Bottomly, are in loiter time—about 5 min. with a minimum bomb load on a 250-naut.-mi.-radius mission, 30 min. for 100 naut.-mi.—and airborne response time, primarily because of its relatively-slow cruise speed of approximately 380 kt. with a full load on board.

Dive-bombing runs with conventional ordnance are made at a speed of 350 kt. Low-level drops, used when napalm is the ordinance load, generally are conducted at a speed of 400 kt.

Since there is no provision for power boost on the controls, Bottomly reports that deliveries made in these modes beyond these two-speed ranges results in "severe" stick pressures.

Advantages cited by the "Combat Dragon" commander is the use of the A–37 in a limited war, such as that in South Vietnam, include:

Good ground reaction times. In 300 such tests from air bases at Bien Hoa, virtually at sea level in the Delta region near Saigon, and at Pleiku in the central highlands, the average interval between the time an aircraft left its alert pad and reported "wheels up" was 8 min.

"Excellent, accurate" bombing capability because of its relatively low speed, permitting the pilot to attack from low altitude and still have sufficient time to line up on his target before ordnance delivery. During the evaluation, according to Bottomly, the A–37s delivered ordnance against Communist troops positioned on opposite sides of canals held by friendly forces with "surgical precision."

In this regard, its trainer-type high-lift wing also permits quick changes of direction. "When it [the A–37] changes attitude, it changes direction." The same capabilities permit the aircraft to operate in a close-support role in marginal weather conditions, ceilings of less than 1,000 ft. and visibilities of about 1 mi., that would restrict the employment of higher-performance fighters. For the squadron as a whole during the period of the evaluation, the circular error probability (CEP) for ordnance deliveries averaged approximately 15 meters. Of these missions, half of the drops had an average of less than 15 meters.

Good survivability against the light-arms anti-aircraft fire encountered. With such a "simple airplane," Bottomly says, the squadron expected "we'd probably be shot out of the sky in a couple of weeks." The squadron received 13 hits during the "Combat Dragon" test, all from either 30- or 50-cal. weapons, and no aircraft were lost. Bottomly credits the thin silhouette of the aircraft and its agility as major reasons why the A–37 was hit by ground fire so few times. This also could account for the fact that the fewest hits were taken where the ground environment was known to be severe, and the pilots were particularly alert, and the most where a minimum of enemy ground fire was expected.

Easy maintainability because of its "utter simplicity." Three-quarters of the missions were turned around within 3 hr. during normal operations. During a "surge" test period in which a maximum of missions were scheduled for 13 of the aircraft, 70% of the A–37s were turned around and ready for flight within 1 hr., virtually all within 3 hr.

Maintenance manhours per sortie during sustained normal operations averaged 7.8 per sortie and 3.9 for the so-called "surge" period. During the "bare-base" operation evaluation, where a minimum of facilities were available, maintenance manhours per sortie averaged 5.1. The variance in the turnaround and maintenance hour times, Bottomly believes, was due primarily to the fact that the ground crews paced themselves according to the requirements they were called upon to meet.

Good reliability. The aircraft averaged one write-up for every five missions, a respectable record for a combat environment such as that in Vietnam. High write-up rates included the landing gear, once every 10 missions, and the fire-control package, once every eight, primarily due to the jamming of the 7.62-mm. General Electric GAU–2 Minnigun that had been jury-rigged in the nose of the modified aircraft.

Repair times per unit ranged from an average high of 2.5 hr. for the hydraulic system to a low of about 30 min. to correct malfunctions in the lighting. Air Force officials say a major reason for the long time required for hydraulic repairs stems from the necessity to remove the right-hand seat to gain access to the system. Since the right seat is seldom occupied during combat missions, USAF may decide to remove it on a near-permanent basis from most of these aircraft which will continue to operate from Bien Hoa as an operational squadron.

Ability to meet planned schedules because of its maintenance and reliability rates. The squadron was forced to deviate from its programed schedule on only 2% of its missions. Bottomly says he has not seen "those sort of figures since World War 2. They're very exciting."

Sizable economies in relation to higher-performance aircraft. This, begins with a planned unit cost for A–37s turned off the production line as combat fighters of approximately $340,000 and includes its small break rate and low parts consumption—up to 200 landings on a single set of tires during the course of "Combat Dragon." Fuel requirements also are relatively low for the twin-engine aircraft, and a trained pilot can transition onto the A–37 and be combat ready within two weeks.

TOTAL OF 5,000 SORTIES

During the four months of "Combat Dragon," the squadron accumulated a total of 5,000 combat sorties after arriving at Bien Hoa last Aug. 15. It had trained earlier at England AFB, La., after the necessary pilots had been "collected almost at random" from other Air Force units, according to Bottomly. Aircraft they had formerly flown included the Lockheed C–141 jet transport, the Boeing B–52 strategic bomber, the Lockheed T–33 jet trainer, the North American F–100, the Republic F–105 and the aging Douglas C–47 twin-engine transport. The squadron personnel and their disassembled aircraft were flown on board C–141s from England AFB to Bien Hoa.

The squadron aircraft were all modified A–37A versions of the basic T–37B1 trainer. Major modifications included the substitution of the 2,400-lb.-thrust General Electric J85–17A turbine engine for the 1,025-lb.-

thrust Continental J69–T–25 on the standard T–37, the Minigun nose installation plus provision for 1,500 rounds of ammunition, a strengthened wing to carry the weapons stores, an integrated fire-control system and 100-gal. tip tanks.

FOUR WEAPONS PYLONS

Total of four weapons pylons is positioned beneath each wing. The two inboard normally were used in Vietnam to carry 750-lb. bombs, the two outboard for 500- and 250-lb. ordnance. Maximum aircraft gross weight enployed in Vietnam was about 14,000 lb. as compared with 6,000 lb. for the trainer version. Maximum ordnance weight per aircraft is 4,855 lb.

Total of 39 T–37s were modified to the A–37A configuration by Cessna. Also, the Air Force ordered 127 A–37B models to be produced as a weapons system from their start down the production line. Most of these are expected to go to the Vietnamese Air Force.

[From the Wichita (Kans.) Eagle, Jan. 17, 1968]

DRAGONFLY A FIGHTERS CESSNA A–37 PASSES TEST IN VIETNAM

WASHINGTON.—An Air Force colonel who directed evaluation of the new Cessna A–37 twinjet in Vietnam praised it Tuesday as inexpensive, agile, easily repairable and highly accurate in low-level bombing.

Col. Heath Bottomly told a Pentagon news conference the "utter simplicity" of the light attack bomber is one of its key features.

Twenty-five A–37s—beefed up versions of the famed Cessna T–37 "Tweety Bird" primary jet trainer—have just completed a 120-day combat evaluation program in the Southeast Asia war zone.

Cessna is under an Air Force contract to provide 166 A–37s—39 of which, including those tested in Vietnam, were modified T–37s. The remaining 127 are now being produced from scratch at the Cessna military-twin division.

Major differences in the A–37 and the T–37 are larger engines with more than twice the thrust, armament and pylons for bombs and external fuel tanks. The A–37 Dragonfly has more than twice the takeoff weight of the T–37.

Bottomly, roaming through an assortment of charts, said most malfunctions in the $340,000 A–37 could be fixed in an average of one hour with minimal number of small parts.

"You haven't seen those sort of figures since World War II," he said.

The A–37 carries up to 5,600 pounds of bombs and missiles and is fitted with a nose-mounted gun which fires up to 6,000 rounds of 7.62 mm ammunition per minute.

"Very exciting" was a phrase which Col. Bottomly used frequently in describing the A–37, particularly in describing its characteristic that he termed "agility."

For a "hot-rod" fan, the plane would be similar to a "hot" car with disk brakes on all four wheels.

He summarized the results of combat missions, during which 5,000 sorties were flown, briefly as follows:

The aircraft will perform without question on air missions in permissive locations. Such a location is where there is no enemy air opposition.

It has a very rapid turn-around time.

There are significant economies including low initial cost of $340,000 each.

It has a very low breaking rate.

It needs a short repair time.

Small parts consumption extremely low. None of the planes ever lost an engine.

The planes made 200 landing on one set of tires.

Ground maintenance crews need a low level of skills.

American pilots can be trained to combat readiness in two weeks.

Vietnamese air force officers can be brought to combat readiness in minimal time.

Minimal ground maintenance equipment needed and maintenance can be accomplished out-of-doors even during monsoon weather.

Expecting success with the small bomber in the permissive combat environment of Vietnam, the Pentagon has started training more than 100 South Vietnamese pilots to fly the A-37 at England Air Force Base, La.

Bottomly said the South Vietnamese are "sort of programmed to get the airplane some time in the future," but he didn't say when nor how many. It has been reported the South Vietnamese will be given three 24-plane squadrons of A-37s.

Bottomly said the A-37 was tested under all sorts of combat conditions for four months beginning last August. Final evaluation data will be fed into Air Force computers the next few weeks.

But Bottomly appeared to be giving the A-37 high passing marks already.

He said that in 5,000 sorties the A-37 made about 30,000 bombing passes and registered a "circular error probable" of about 45 feet. This means that of all the bombs dropped, half were within 45 feet of the target.

Also, he said, in all those flights the enemy scored only 13 hits, with none of the planes downed or badly damaged.

Bottomly said the A-37 apparently is difficult to hit because of its thin, flat-winged silhouette and quick turning maneuverability.

However, all was not praise for the plane. Bottomly said the position of the flaps did hinder visibility somewhat.

The plane has a short "loitering" time, but this was overcome by sending plane replacements.

Nazi War Criminals

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. SCOTT. Mr. President, I have written a letter to President Johnson, asking that he urge the West German Government to eliminate or extend indefinitely the statute of limitations on Nazi war criminals, so that all who committed genocide and other crimes against humanity can be brought to justice.

I ask unanimous consent that my letter be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NAZI WAR CRIMINALS

In February of 1965 I supported a Senate Resolution which requested the President of the United States to ask the West German government to extend the statute of limitations on the prosecution of Nazi criminals which was to expire that year. West Germany did extend the statute until December 31, 1969.

I hope that the West German government will eliminate or extend indefinitely the statute of limitations so that authorities can complete the task of locating, identifying and prosecuting the Nazi war criminals who remain in hiding today.

Unless the statute is lifted no new investigations can be initiated after December 31, 1969. Anyone who ultimately may be identified as a Nazi war criminal would be free to live openly without fear of prosecution because the time statute against him has run out.

No known murderer has ever been aquitted by time in the United States because there is no statute of limitations on murder in this country. Why should it exist for mass crimes against humanity?

Since 1958 the West German Central Agency for the Uncovering of Nazi War Crimes found sufficient evidence for 796 criminal proceedings. However, Dr. Adalbert Rucherl who heads the Central Agency, estimated last spring that less than 10 percent of the known war criminals have been brought to trial. At that time some 2,000 cases were under investigation.

Many suspects are reported to be living in South America, South Africa and the United Arab Republic. The most noted are believed to be in Brazil and Paraguay where they have established protective fugitive communities.

Franz Stangl, who was commandant of two concentration camps in Poland, was arrested last year in Brazil. Last summer, the West German government filed a request with Brazil's Federal Supreme Court for the arrest of Martin Bormann, a Gestapo officer who became Deputy Fuhrer, and for Dr. Joseph Mengele, the Gestapo physician and surgeon who conducted medical experiments on the prisoners in Auschwitz. Montevideo police identified a man found dead in Uruguay as Herbert Cukurs, key figure in the massacre of 32,000 Jews in Latvia. Erich Karl Wiedwald, a former Nazi corporal, said that Heinrich Mueller runs a hardware store in a suburb of Natal, Brazil. Mueller is a former Gestapo chief who participated in the Wannsee Conference of 1942 at which the annihilation of six million Jews was deliberately planned.

Wiedwald, however, while agreeing that Bormann lives in Brazil, says that Mengele is in Paraguay serving as an Army doctor in the military zone there. Simon Wiesenthal, head of the Jewish Documentation Center in Vienna, says that Bormann and Mengele are living together in a monastery surrounded by a network of German villages on the Paraguay River and travel freely between Brazil, Chile and Paraguay.

Time and plastic surgery, jungles and mountains, inaccurate and incomplete information have made it increasingly difficult to apprehend known war criminals.

I point these things out first, to emphasize the fearful roles played by the Nazi war criminals still at large, secondly as a reminder of their horrible crimes against humanity, and finally, to indicate the obstacles which officials meet in bringing suspected war criminals to trial.

Time, under the West German statute of limitations, is running out. Under German law the establishment of an investigation against any known war criminal automatically extends the statute against him. But, any unknown criminal, who may be identified by new information after December 31, 1969, cannot be prosecuted unless the West German statute is lifted.

Some new cases will probably come to the attention of the Central Agency. Information—withheld mainly by the Iron Curtain countries—has left many blanks in the investigation of Nazi units which occupied Polish and Russian territory. Last August, the Soviet Union for the first time, announced that it would open its secret files concerning Nazi war crimes. At that time, Gustav Hinemann, West Germany's Minister of Justice, expressed hope that other European Communist governments would release similar information, and he asked the West German Federal Cabinet to lift the statute of limitations.

The General Assembly of the United Nations in its next (22nd) session will consider recommendations that no statutory limitation shall apply to war crimes and crimes against humanity.

Mr. President, I urge you to express the wishes of the United States to the United

Nations and to the West German government that the statute of limitations on Nazi war criminals must be lifted so that all who committed genocide and other crimes against humanity can be brought to justice.

Do Not Rewrite Constitution, Justice Black Warns

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. UTT. Mr. Speaker, no action by the Congress of the United States can be as dangerous to the welfare of the people of the Nation as is the manner in which the Supreme Court has become a government by the rule of men rather than by law. Justice Black recognizes this danger as reported by the following article by James J. Kilpatrick:

DO NOT REWRITE CONSTITUTION, JUSTICE BLACK WARNS

(By James J. Kilpatrick)

The sharpest criticism of the U.S. Supreme Court does not come, as you might imagine, from lawyers, editors, or Southern members of the Congress. At best they deliver small-arms fire. The most telling assaults come from members of the Court itself, thundering at each other in written dissents or on the scholarly stump.

Justice Hugo Black, dean of the Court, rolled out the big guns a couple of weeks ago in three lectures before the Columbia University Law School. His chief target was the permissive school of jurisprudence in which such professors as Earl Warren, William Brennan and Abe Fortas are leading philosophers. On the same evening that Black was blazing away in New York, Fortas was returning some fire from Washington.

Their eminences do not attack each other by name, of course. The rhetoric of in-house denunciation is high-toned stuff. But no one could doubt whom Black had in mind when he spoke at Columbia of his views on constitutional interpretation in contrast to the views of those who shall be nameless.

For his own part, said Black, he believes that judges "should always try faithfully to follow the true meaning of the Constitution as actually written." The key rule in construction is the intention of the framers. Judges ought to place themselves "as nearly as possible" in the condition of the men who framed the Constitution and its several amendments. Judges ought to follow "the literal meaning of words."

Harumph, said Fortas, speaking in Washington. The words of the Constitution are not "static symbols." They are "subject to the changes wrought by the passage of time." And who is to say what changes have been wrought? The courts are to say this—and more precisely, the high court.

Not so, said Black in New York. "The courts are given power to interpret the Constitution and other laws, which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power 'to adapt the Constitution to new times.'"

Black's three lectures ought to be required reading not only for judges but also for members of the Congress. They too are sworn to support the Constitution "as it is."

"I strongly believe," said Black, "that the basic purpose and plan of the Constitution is that the federal government should have no powers except those that are expressly or impliedly granted, and that no department of government—executive, legislative or judicial—has authority to add to or take from the powers granted it or the powers denied it by the Constitution.

"Our written Constitution means to me that where a power is not in terms granted, or not necessary and proper to exercise a power that is granted, no such power exists in any branch of the government. . . ."

This is what Southern conservatives for generations have termed "the sound doctrine." It is the doctrine of strict construction—the rule of the Tenth Amendment. It is not enough, Black declares, that judges or legislators should regard a particular end as desirable, or reasonable, or socially attractive. The first question that has to be asked is simply, "Is it constitutional?" Does the power exist?

If the people wish to change their Constitution, said Black, let them change it by the amendatory process. But let us be on guard against "the rewriting of the Constitution by judges under the guise of interpretation." The warning is as old as Washington, as old as Jefferson; it ought to be carved in stone at the high court itself; and it ought to be pounded into the heads of our life-appointed judges.

Seventh Anniversary of Alliance for Progress—Address by Vice President Humphrey

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. SPARKMAN. Mr. President, the Vice President spoke recently on the occasion of the seventh anniversary of the Alliance for Progress. His speech is an excellent report on the progress which has been made. It is also a timely reminder of the long-range commitments we have made.

I ask unanimous consent that the Vice President's speech be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VICE PRESIDENT HUBERT HUMPHREY, SEVENTH ANNIVERSARY, ALLIANCE FOR PROGRESS, WASHINGTON, D.C., MARCH 13, 1968

What a rare privilege it is to be in your assembly today and to visit with you these few moments as we celebrate and commemorate the seventh anniversary of the Alliance for Progress.

Seven years ago tonight the late President of the United States, John F. Kennedy, stirred the people of our hemisphere by proclaiming a new "Alliance for Progress." President Kennedy was the first to admit he received his inspiration for this commitment—this broad program of action—from the Latin Americans themselves. The concept and idea of the Alliance for Progress was born in the Latin American countries.

The former President of Brazil, Doctor Kubitschek, enunciated what was known as "Operation: Panamerica." It was from this idea that President Kennedy formulated this expression of our commitment called the "Alliance for Progress." This Alliance is to us a treaty, a commitment. It is every bit as sacred, every bit as meaningful as any treaty we have ever signed.

It is "a vast cooperative effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work and land, health and schools." These are the words of President Kennedy, outlining for you and for all mankind the commitment of our peoples in this hemisphere for social and economic progress.

Later in 1961, our nations agreed at Punta del Este "to unite in a common effort to bring our people accelerated economic progress and broader social justice within the framework of personal dignity and personal liberty." Again, those are beautiful words of commitment, all within the democratic tradition; but they are more than words, they are a solemn obligation.

The declarations were brave ones. Our goals are bold and audacious, for we aimed, those seven years ago, toward the broad realization of human aspirations which had gone unmet for generations.

Now we look at where we stand seven years later. There are many who claim our declarations were empty, false promises, that our goals will remain forever beyond our reach. I call these people the perennial pessimists of history, and every generation has them. They are men of little faith upon whom no civilization could ever depend.

They point to a rising birth rate. They point to whole regions left isolated and backward. They see children growing up without adequate schooling or nourishment. They point, most of all, to what they believe to be unshakeable characteristics of man's nature—the meaner habits—which have led to oppression, to social and economic injustice, and to the exploitation of one man for the benefit of another.

These pessimists may be right. But I do not think so. There are many facts which show that the Alliance works.

The first is that we are determined that it will work. Since 1960, primary school enrollment increased by 50 per cent, and secondary school enrollment by more than 100 per cent. These are no small achievements.

There is increasing net agricultural production and, more important, net food production—food beyond the growth of population.

When the Alliance was conceived in 1961, the original plan was for a gross investment by Latin American participants of 80 per cent. However, that investment has been 89 per cent of the total.

And during this time, have kept our share of the bargain by providing a total of $7.7 billion. Thus, we are keeping our commitment in money but, more importantly, keeping our commitment in determination and in spirit.

There are many other facts announced here today—new roads, telecommunications, modern industry, and regional development. In implementing the Alliance for Progress we have converted the original concept of a cooperative effort into a concrete, multilateral, decision-making body; the Inter-American Committee on the Alliance for Progress.

Today the Alliance for Progress is the standard by which political leaders and governments are judged—even in those countries which do not fully adhere to the standard. And this is perhaps the most important fact of all in rebuttal to those who doubt our capacity for creating change. It is an attempt to create change at the same time you preserve order—to have order even as you encourage the creation of change. Our course for the future was clearly outlined last year when the Presidents of the republics of our hemisphere met in Punta del Este. At this meeting a historic decision was taken to give top priority to the economic integration of the hemisphere.

President Lyndon Johnson reaffirmed the commitment of the United States to that cause, and he came back to our country and spoke of this as the decade of urgency, reminding the people that we must get on with this important work.

In addition, all of the Presidents of the hemisphere agreed on the urgency of opening up the inner frontiers of the South American continent. They agreed to consider the possibility of stimulating intra-regional trade through temporary preferential trading agreements. They agreed on the urgency of accelerating the modernization of agriculture and the rural areas. They agreed on the urgency of the dissemination of technology through the establishment of new regional institutes. They agreed on the necessity and the urgency to devote vastly increased resources to health and education in every land. And those agreements are now being carried out. That is our action program for tomorrow.

The question is: Will it and can it be successful? Ultimately success will not depend so much on our resources—we have the resources, or on plans and policies—we have the plans and the policies, or even on our tangible assets, as important as they are. Success will depend ultimately on our commitment, our will to achieve success.

Just how deep is our commitment to a just and peaceful revolution in this hemisphere? Just how deep is our belief that individual human freedom and dignity are worthy of our sacrifice?

If our commitment and our belief are deep enough, I have no doubt that we shall find the way to provide the other necessary things. If our belief and our commitment and will are not deep enough, no amount of tangible assets will accomplish our goal.

All of us—and I include my country—must be willing to sustain the effort and the vision—the vision we had laid before us seven years ago and reaffirmed only a year ago; the vision that will be necessary to build upon our beginnings.

In this troubled world, people everywhere are watching to see if we are capable of achieving our goals. For if we in our hemisphere, dedicated as we are to the rights of man, endowed as we are with the means to take the course of history in our hands, if we fail, what hope may others ever have?

Therefore a double duty is ours. First, the duty and responsibility of fulfilling our commitments to ourselves. And, secondly, the duty and necessity of fulfilling our commitments so that the rest of the world may take hope.

We have the chance—we have the obligation—to create the New World our forefathers talked of and sought—a world not new in its principalities and kingdoms, nor in the glory of its monuments and its armies, but a world new in this final achievable reality: That each child—and a child always represents God's faith in the future—that each child might enter human society with the right to health, with the right to education, with the right to hope, the right to free expression and the right to human opportunity because we of this generation willed that it be so.

I consider the Alliance for Progress our gift to those yet unborn, to people who will want, as we have wanted, to live in freedom. What we do now will determine what will happen to them in their time.

So I come to you today as the Representative of the United States to tell you that I am not one of the pessimists of history. I am a prudent optimist. We have the means, we have the capacity, we have the know-how, we have the assets required for the fulfillment of the Alliance for Progress. And I think we have the will. Let's resolve that we do.

Thank you.

The Unchecked Check

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. WYMAN. Mr. Speaker, the danger in application of the principle of beneficent despotism is, of course, that while this particular despot is beneficent, the next one might be a tyrant. No system is desirable that permits a despot in control of government.

Our assurance of protection against such a calamity was supposedly built into the American Constitution by its system of checks and balances, dividing powers between the executive, the legislative, and the judicial branches. Unfortunately, the final arbiter in respect to the limitation of these powers under this same Constitution is the U.S. Supreme Court, itself one of the checks and balances.

Given a runaway Court that deliberately decides to ignore or rewrite the Constitution in its own view and we are in a heck of a mess. This is because there is no appeal from the U.S. Supreme Court to anyone anywhere, and its members are appointed for life.

Warning of the dangerous trend of the present High Court is no less than one of the Court's own members who has often sided with the controversial, but now appears greatly concerned that the Court has gone too far—as it has.

I commend to the thoughtful consideration of all Members, the remarks of Mr. Justice Black appearing in James Kilpatrick's column in the Washington Star of April 2, 1968:

DO NOT REWRITE CONSTITUTION, JUSTICE BLACK WARNS

(By James J. Kilpatrick)

The sharpest criticism of the U.S. Supreme Court does not come, as you might imagine, from lawyers, editors, or Southern members of the Congress. At best they deliver small-arms fire. The most telling assaults come from members of the Court itself, thundering at each other in written dissents or on the scholarly stump.

Justice Hugo Black, dean of the Court, rolled out the big guns a couple of weeks ago in three lectures before the Columbia University Law School. His chief target was the permissive school of jurisprudence in which such professors as Earl Warren, William Brennan and Abe Fortas are leading philosophers. On the same evening that Black was blazing away in New York, Fortas was returning some fire from Washington.

Their eminences do not attack each other by name, of course. The rhetoric of in-house denunciation is high-toned stuff. But no one could doubt whom Black had in mind when he spoke at Columbia of his views on constitutional interpretation in contrast to the views of those who shall be nameless.

For his own part, said Black, he believes that judges "should always try faithfully to follow the true meaning of the Constitution as actually written." The key rule in construction is the intention of the framers. Judges ought to place themselves "as nearly as possible" in the condition of the men who framed the Constitution and its several amendments. Judges ought to follow "the literal meaning of words."

Harumph, said Fortas, speaking in Washington. The words of the Constitution are not "static symbols." They are "subject to the changes wrought by the passage of time." And who is to say what changes have been wrought? The courts are to say this—and more precisely, the high court.

Not so, said Black in New York. "The courts are given power to interpret the Constitution and other laws, which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power 'to adapt the Constitution to new times.'"

Black's three lectures ought to be required reading not only for judges but also for members of the Congress. They too are sworn to support the Constitution "as it is."

"I strongly believe," said Black, "that the basic purpose and plan of the Constitution is that the federal government should have no powers except those that are expressly or impliedly granted, and that no department of government—executive, legislative or judicial—has authority to add to or take from the powers granted it or the powers denied it by the Constitution.

"Our written Constitution means to me that where a power is not in terms granted, or not necessary and proper to exercise a power that is granted, no such power exists in any branch of the government. . . ."

This is what Southern conservatives for generations have termed "the sound doctrine." It is the doctrine of strict construction—the rule of the Tenth Amendment. It is not enough, Black declares, that judges or legislators should regard a particular end as desirable, or reasonable, or socially attractive. The first question that has to be asked is simply, "Is it constitutional?" Does the power exist?

If the people wish to change their Constitution, said Black, let them change it by the amendatory process. But let us be on guard against "the rewriting of the Constitution by judges under the guise of interpretation." The warning is as old as Washington, as old as Jefferson; it ought to be carved in stone at the high court itself; and it ought to be pounded into the heads of our life-appointed judges.

The President's Speech

HON. MIKE MANSFIELD

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an excellent editorial entitled "The President's Speech," published in the Minneapolis Tribune of April 1, 1968.

The editorial analyzes the outstanding speech made by the President, in which he described his attempts to come to grips in a peaceful manner with the situation in Vietnam. It is a speech which contains a number of proposals that I believe are of significant interest.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S SPEECH

President Johnson last night delivered what future historians may record as the greatest speech of his presidency, a speech that may prove to be the principal turning point in his administration. A stunned nation today will be appraising President Johnson's decision not to seek or accept renomi-

nation, and assessing the future impact of this decision upon the crucial political steps to be taken by both major parties later this year.

We believe the President's speech was statesmanship on a plane commensurate with the traditions and ideals associated with the nation's highest office. Mr . Johnson clearly placed the needs of the nation above partisan advantage to himself or to the party under whose political banner he has served in Washington for more than three decades.

His decision to cease the bombing of most of North Vietnam for an indeterminate period is a courageous one, both because of the political risks at home and because the shift implies recognition that his previous policy was not succeeding.

The President's decision to send only 13,500 troops to Vietnam to support the 11,000 sent recently reflects growing American opposition toward a further buildup of American forces in a stalemated land war in Asia. The South Vietnamese were warned last night that the war is principally theirs to prosecute, and that American fighting men cannot win for South Vietnam what its citizens are unwilling to do for themselves. Significantly, the President last night expressed the hope that "all the South Vietnamese," a description which presumably includes the Viet Cong, could chart their course free of outside interferences.

The President reminded the world that there is a useful role for other nations—he mentioned Britain and the Soviet Union, as co-chairmen of the Geneva conferences—to play in obtaining peace for Southeast Asia. The British have long indicated their willingness for such a role. We hope the Russians now will come forward also, even though there are reasons, including their relationships with China and North Vietnam, that such a role may be difficult for Russia.

The President again called upon the Congress to recognize and act upon its fiscal responsibilities. The Congress must increase taxes, unpopular though this may be in an election year, because such a step is needed to lessen the dangers of inflation at home and to restore confidence abroad in the American economy. The President spoke with realism and courage. We hope Congress responds in kind.

By removing himself from personal competition for the next four years of the presidency, President Johnson has, we believe, greatly improved the nation's opportunity to achieve those goals to which most Americans—including Vice-President Humphrey and Sens. McCarthy and Kennedy on one side, and former Vice-President Nixon and Gov. Rockefeller on the other—subscribe. We hope that the credibility gap that has dogged the Johnson administration will now be dissolved by the President's action of last night. Let the North Vietnamese reassess America's desire for peace with honor. Let other nations reassess their general belief that no real peace negotiations can take place before the November election. Let the American people reassess their own disunity.

President Johnson has made a generous offer toward peace in the world and toward unity in our land, and perhaps this offer will someday be measured as his greatest act.

The "Pueblo": How Long, Mr. President?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. SCHERLE. Mr. Speaker, this is the 72d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

The River War in Vietnam

HON. CARL HAYDEN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. HAYDEN. Mr. President, Mrs. June Iversen, a resident of Phoenix, Ariz., has sent me a copy of what her son, Arleigh C. Felch, signalman second class, on the U.S.S. *Hunterdon County*, U.S. Navy, sent to her about the river war in Vietnam.

I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RIVER WAR IN VIETNAM

(By Arleigh C. Felch)

Another beautiful day in Vietnam is well under way as the USS Hunterdon County (LST-838) winds her way up the Ham Luong River in the war torn country of Vietnam.

Starting from her station at the mouth of the Ham Luong River, she steamed up the river to the town of Ben Tre where, after a hard morning of shelling the beaches just a few hundred yards off her sides, she settled down for a night's rest before continuing on to the city of My Tho about 35 or 40 miles farther up the river.

In certain designated areas, called Free Fire Zones, she continued to pour her withering fire from her 40-mm guns. The total amount of destruction to the enemy remains a mystery due to the dense, overhanging brush and the thick growths of palm trees.

The final destination of the Hunterdon County is still nothing more than conjecture to most of the crew but, as on all naval ships, the rumors fly fast and furious. Some say we're on our way to the DMZ. Others say it's to Da Nang. No one really knows for sure except the chosen few at the top.

The Hunterdon County is one of four rebuilt LST's, specially fitted for handling the small, versatile patrol boats that cruise up and down the river 24 hours a day, checking sampans and stopping the carrying of much-needed supplies to the Viet Cong.

Wherever the Hunterdon County goes on this river, her PBR's, as the small boats are known, will go with her. Many times the group resembles a large task force of the Navy in miniature.

The runs up and down the rivers are treacherous and many times the bottom of the river is only a few feet below the keel of the ship. Sometimes she even runs up on sand bars that block her way. But she was designed to run aground and pull off again so, with a few anxious moments, she backs off the high ground and continues on her way up the river towards her destination.

In the short time that these four ships have been operating in the rivers of Vietnam they have shown their versatility and importance many times over.

As a mobile base for the PBR's they are less vulnerable than a set shore station and can still give their boats the serving and maintenance they require to perform their job on the rivers.

They provide a home for the sailors that man the small boats and, although a little crowded, there are recreational facilities to help the crew through the long days they must spend out here without the company of other than the same men they see day in and day out.

It's a brand new type of sailor that runs this kind of war. He isn't the man sitting behind a big gun 5 or 10 miles out at sea trying to soften up the beach for the Marines.

He has to go in and meet the enemy on his own ground and in his own country. He has had to learn how to live in a way that is new and strange to him. When he gets into a fire fight it isn't the impersonal destruction of two mighty ships of war; it's a personal struggle for survival against a personal enemy who wants to destroy him and all he stands for.

At the same time he has to be a helping hand to the oppressed South Vietnamese people who are taxed and terrorized by the Viet Cong for supplies and men. He has to be a life saver for sampans that have overturned in the river and he has to be a doctor for the sick and the aged.

Every little bit of help he gives to the South Vietnamese furthers the cause for which he is fighting and endears him just a little more in the hearts of the people for whom he is fighting.

The men on the LST's are a new breed of sailor also, but in a different way.

They have had to learn to go for long periods on the rivers without the coveted privilege of liberty. He's lucky to even see a woman the whole time he's on station, and one of the few pleasures he does have is the boat that carries him to the junk bases, where he can indulge in a few lukewarm beers and play a game of volleyball or football.

The Hunterdon County has been out on the river for more than 60 days now and she has another 60 or more to go before she will see the sight of land where the men can mingle with people and see the sights of a city and enjoy them.

Many long hours are spent by him working on the PBR's and as often as not he has to be at general quarters, the Navy's battle quarters, for shore bombardment on the support of an outpost under attack by the VC.

It isn't an easy life for him, but he does it with pride and many of the men have extended to continue the war over here.

Once again the United States has shown that its versatility and its patriotic young men are still the backbone of one of the greatest countries ever to rise in the annals of history.

When you see these young men at home for a well-earned leave, take a close look and see how the pride of a job being done well gives him the bearing and stature of a proud and satisfied man.

Speaking for myself, as a sailor on the Hunterdon County, I'm proud to be a part of the group that is carrying the war against oppression to the oppressors. I have the utmost confidence in our men and equipment and in my heart I know that in the end we will emerge as we always have, victors.

Winning the People Is the Only Way in Vietnam

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. ERLENBORN. Mr. Speaker, one of the best short histories of our involvement in the war in Vietnam appeared recently in a column by Dennis D'Antonio in the Press Publications. These fine newspapers are published in one of the largest towns in the district which I represent. Mr. D'Antonio's column explains the importance of pacification in Vietnam:

WINNING THE PEOPLE IS THE ONLY WAY IN VIETNAM

(By Dennis D'Antonio)

The life or death of one person or a thousand or a hundred thousand is really not important.

This philosophy is shared by many high ranking, decision making, officials who have committed forces against South Vietnam and its Western allies. In the long-range plans for victory there, the loss of human lives in the war is unimportant to the enemy.

The recent Communist offensive against the cities of the South resulted in a major psychological victory for the Viet Cong—even though they lost thousands of men.

The offensive demonstrated that despite the years of U.S. involvement in the war, despite the billions of dollars poured into the effort, despite our vastly greater firepower, despite the sacrifices of 20,000 American lives and countless more Vietnamese, the Viet Cong can still do what they want when they want.

Why?

Two basic reasons appear—finally—to be getting through to the American public, which includes me.

One reason for the enemy's capability to raise havoc despite allied efforts is that he literally has manpower to burn and the will to do so to gain a victory such as we have just seen.

History books have recorded that the French killed nearly a million soldiers fighting with the Vietminh before losing to that bunch at Dien Bien Phu in 1954. The French threw in the towel because they could nowhere near afford to match the enemy's sacrifices. France lost more than 15,000 men at Dien Bien Phu and couldn't absorb the loss.

In the recent Tet offensive, the Viet Cong are reported to have suffered 30,000 casualties. And they scored a victory! Even our government has finally been forced to admit that the United States "suffered a severe setback" in the Tet offensive (quote Dean Rusk).

One lesson appears to be emerging: the United States cannot equate progress, let alone victory, in Vietnam by stacking up enemy bodies.

Let's go back in history a little way and see if it doesn't provide some clues as to where mistakes have been made and what we might do to realize our efforts at trying to keep South Vietnam and the rest of southeast Asia from falling into Communist hands.

The first Western contact with Vietnam was made in the 16th century by the Portuguese who began to trade there.

The Spanish, Dutch, English and French subsequently followed the Portuguese.

During the second half of the 19th century, hostilities broke out with France. The Vietnamese came out on the short end and were forced to submit to French colonization beginning in 1862. (Hence the beginning of bad public relations between West and the East in that area.)

The Japanese accomplished a military occupation of Vietnam during the fall of 1940 and succeeded in ousting the French from its administration of the country shortly before the end of World War II. The subsequent lack of any organized government threw the country into turmoil.

Some Vietnamese made efforts to restore order but were hindered by the Japanese. More conflict. (And about time for the Communists to start exploiting the situation.)

The League for the Independence of Vietnam was founded by dissident Vietnamese during World War II. The abbreviation for the League was Vietminh, meaning Vietnamese nationalists. It was Communist infiltrated. (By the time the U.S. jumped into the pot after Dien Bien Phu, the Communists had already gained a solid foothold; they were right in there pitching before average Americans ever heard of the country.)

The Vietminh did not make substantial progress in attempts to oust the Japanese despite the fact that many Vietnamese, who were led to believe they were fighting for independence, joined the ranks of the Vietminh.

Then World War II came to shattering end for Japan, and Ho Chi Minh was able to establish a government in Hanoi without resistance.

The French came back, of course, and the subsequent French Indochina War was inevitable.

Under the Geneva agreements, made after the French defeat, the country was divided into present North and South Vietnam. The North became Communist controlled and the Communists began their efforts to bring the Westernized half, the South, under their control also.

The United States saw this as a threat to free world security and greatly increased military aid to the South in 1961.

By this brief and, as far as I can tell, substantially accurate history, it can be seen that the Communists have capitalized on perpetuating a distrust of the West among the Vietnamese people. That was not so hard to do after more than 60 years of French administration in the country, during which time the Vietnamese were taken advantage of.

To oversimplify the situation, the Communists are telling the Vietnamese people that the United States wants to take over where the French left off. And many of the people, understandably, believe it.

Which finally brings us to the second reason why we have failed to make substantial progress in maintaining the integrity of South Vietnam. A lot of Vietnamese distrusted us before we ever went there because we are Western and they have had only bad relations with the West. It's not so hard then for the Vietnamese to believe the Communists when they say the United States is in Vietnam only for the purpose of robbing the people, like the French had done.

At best, the people in the South are sitting on the fence between the U.S. and the Communists.

Stacking up bodies won't win the war. We have to win the people's trust.

The 75th Anniversary of Sunkist Growers, Inc.

HON. GEORGE MURPHY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. MURPHY. Mr. President, this year the nonprofit organization which is the oldest and largest citrus cooperative in the world, Sunkist Growers, Inc., is celebrating its 75th anniversary.

This organization is composed of cooperating citrus growers in California and Arizona and its operations have been studied and copied throughout the world. As a result of the cooperative's research and development program, more than 400 uses have been found for fresh citrus, and new machinery has been developed for the harvesting and packing of citrus fruits. Through its worldwide distribution of fresh fruit and other citrus products, the organization has developed a global reputation for supplying quality items until today the name Sunkist is linked everywhere irrevocably with thoughts of good health, good taste, good living and good management.

In addition, the Sunkist organization stands today as a foremost example of what can be accomplished by dedicated, responsible men working freely with their own talents and resources under our private enterprise system.

In connection with Sunkist's anniversary observance, the State Senate of California passed a special resolution recognizing the organization for its three quarters of a century of successful citrus marketing.

The resolution, mounted and framed, was presented to Milton M. Teague, president of Sunkist Growers, by State Senator Howard Way.

I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION RELATIVE TO CONGRATULATING SUNKIST GROWERS, INC.

Whereas, the California citrus industry has been a mainstay in the growth and development of The Golden State; and

Whereas, California citrus fruit production, processing and marketing provide employment and economic well-being for thousands of Californians; and

Whereas, the lemon, the orange, and the grapefruit and their products are vital to human health and are favorite foods throughout the world; and

Whereas, Sunkist Growers, Inc. has for three-quarters of a century led the California citrus industry from its earliest beginnings to its present status as a world leader in citrus production and marketing; and

Whereas, the continued success of Sunkist Growers, Inc., stands as a tribute to the principle of farmers working together for their mutual benefit through cooperative free enterprise; and

Whereas, Sunkist Growers, Inc. has brought fame and wealth to California through its innovations in marketing, pioneering in farmer service, and dedication to the highest standards of quality and consumer service; and

Whereas, this year of nineteen hundred and sixty-eight is the occasion of the Seventy-fifth Anniversary of the founding of Sunkist Growers, Inc.; now therefore be it

Resolved by the Senate of the State of California, That the Members congratulate the over 9,000 grower-members of Sunkist Growers, Inc., on the occasion of their association's Seventy-fifth Anniversary and commend them for the outstanding leadership they have provided to the citrus industry and for their distinguished service to California agriculture; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Sunkist Growers, Inc.

President's Magnificent Display of Patriotism Draws National Acclaim

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the Nation was stunned and shocked by President Johnson's dramatic announcement that he would not be a candidate for reelection in order that he might devote himself to the cause of peace in Vietnam and to national unity at home.

There has been an almost universal acclaim of the President and his patriotic, unselfish act—his placing the interests of the Nation ahead of any personal considerations. In this connection excellent editorials have appeared in the Nashville Tennessean, the Nashville Banner, and the Washington Evening Star, all of

which pay tribute to what columnist David Lawrence describes as President Johnson's "magnificent display of patriotism."

Because of the interest of my colleagues and the American people in this historic and dramatic event, I place herewith in the RECORD these editorials, as follows:

[From the Nashville (Tenn.) Banner, Apr. 1, 1968]

PRESIDENT JOHNSON SHOCKS THE WORLD—RENUNCIATION AIMS AT NATIONAL UNITY

There is a nobility of man that rises above considerations of ambition, pomp and circumstance. And the American people saw it last night in their President; they heard it in the deeply moving utterance for that national unity he seeks—and in behalf of which he was removing himself from candidacy for reelection lest the office itself—by political involvement—be stultified in a time of national crisis.

More than that he could not have said in an announcement and explanation that rank with statesmanship's Great Papers.

"With America's sons in the field far away," he said, "With America's future under challenge here at home, with our hopes—and the world's hopes—for peace in the balance every day, I do not believe that I should devote an hour of my time to any personal partisan causes or to any duties other than the awesome duties of this office."

It was conscience speaking, with a sense of duty commanding selfless allegiance. It was a definition of the Presidency rarely vouchsafed, if indeed understood by many of those seeking it; awareness of the fact that it is the instrument of national service in moments of supreme need—not the pawn and prize of partisan conflict. It is to the nation's deterioration at any time it becomes the latter, the warning Mr. Johnson herewith has provided in more than words . . . and never more needed.

In his summary of policies reasserted there are points at issue that will thoughtfully examined, as they should be, in the campaign ahead; and some of them on the domestic front demanding the continuing realistic treatment of Congress in exercise of its own responsibility. The door is not closed on that. The President did not expect it to be.

The paramount phase of his message was in its concluding paragraphs—the decision to which he obviously has given his careful and prayerful study in arriving at it after long deliberation. It is, he added later, "irrevocable." The Banner believes he meant exactly what he said.

This newspaper has vigorously opposed many of the President's domestic policies. It repeatedly has pointed out the necessity for fiscal prudence and budgetary reform, for national survival. From the beginning it opposed our entrance into the Vietnam war during the Kennedy administration; but once committed by the overwhelming approval by Congress of the Tonkin Resolution, The Banner has supported the effort to bring the Vietnam conflict to an honorable and successful conclusion.

This is the least the men fighting and dying in that far-away land should expect.

The President presented a tearful, saddening picture of a hopelessly frustrated man, the proud architect of an expensive house of social and political dream-cards, collapsing onto his lap, before your unbelieving eyes.

He was the pitiful victim, not only of his certain faith in himself, in his course of domestic and inernational policy, but as well in his sometimes inordinate, personal pride, based upon a record of political success scarcely matched in the history of his party.

But above all, he was a casualty of the faulty judgment and decisions of advisors like Robert McNamara and others who projected him further into the costly mess in Vietnam, which he had inherited from his predecessor, the late John F. Kennedy, who was aided and abetted by the encouragement and advice of one of the candidates for the nomination renounced by the President.

Mr. Johnson's obdurate adherence to courses opposed not only by members of the House and Senate on both sides of the aisle, as well as by a rapidly growing majority of the electorate, contributed to his mounting difficulties.

On the world front, despite the handout of more than a hundred and fifty billion dollars of Uncle Sam's largesse since World War II, Mr. Johnson's global leadership had fallen to an all-time low.

While the nation's gross national product had climbed to a record high during his tenure, the drain on our gold and the strain on our dollar had become hazardous. The fantasy of enough substance for both guns and butter faded like a day that had become yesterday. The facts of life are inexorable. Eventually they must be faced and dealt with, unless disaster overtakes.

It is too soon to endeavor to assess the results of the President's decision, either on the basis of domestic politics or in world affairs.

But of one thing the American people may be sure: Lyndon Johnson has done what he honestly believes to be in the best interests of this nation and its people.

And in doing so, he proved that his love for his country transcends personal, political ambitions, shockingly mocked by the sneering, contemptous disloyalty of many members of his own party.

The tragic irony of it all is that millions of Americans who were the greatest beneficiaries of his lavish concern became the most vicious and vociferous among his detractors.

This is the age-old story of the benefactor.

The memory of man is short.

And ingratitude is the cardinal sin of the human race.

[From the Nashville Tennessean, Apr. 1, 1968]

MR. JOHNSON STANDS ASIDE TO LET HISTORY BE JUDGE

President Lyndon Johnson's announcement that he will not seek or accept the nomination of his party has had its stunning impact on America and the world. It was clearly and definitely stated.

For the second time in modern history, a war in Asia has brought a Democratic President to make such an announcement. President Johnson's statement was reminiscent of that of President Harry Truman who, also after seven perilous years as leader of the world's greatest democracy, announced he would not be a candidate for re-election.

Both Mr. Johnson and Mr. Truman had taken over the presidency in time of crisis. Both had won re-election in their own right. Both had been involved in an Asian conflict in which there was division at home and which seemed unsolvable.

But if Mr. Truman's problems were great, President Johnson's have been greater. For seven years, the man from Texas has struggled, bending his utmost energies to do his best and to do what he considered was his duty.

His high office has brought him disappointment and great frustration. Perhaps his announcement that he will not seek the Presidency again will salvage in great part that which seemed impossible had he chose again to run.

Mr. Johnson's astonishing decision not to seek the Presidency will, it seems, have three major effects he might not have been able to achieve had he remained a candidate.

He has taken a bold step toward peace by announcing that he will curtail the bombing of North Vietnam and by asking Hanoi to make a move toward the conference table. It now cannot be argued that it was simply a political gambit, since it would gain him nothing if he is not to be a candidate.

He has given his major single legislative goal—a tax increase—a major boost in Congress. His appeal for it was straightforward and as an urgent need for the economic health of the country, and the preservation of faith in the dollar.

He has made once again the Democratic party a viable political institution, as he said, in the best interest of the party and the country.

In effect, Mr. Johnson has taken notice of his own political popularity; he has come to grips with the division brought on by war; with the political conflict impending and the course of peace ahead. At ths point in his long struggle, Mr. Johnson has decided to stand aside and let history be his judge.

Whatever that judgment about the war in Asia, it can be said that domestically he carried forward with great success the progressive policies inaugurated before him by the late President John F. Kennedy and those he initiated himself.

He has fought consistently for the economic advantage of all Americans and had it not been for the conflict in Vietnam, his record might have bene much greater. This record notwithstanding, Mr. Johnson had declined considerably in popularity among the voters.

Mr. Johnson has now stated clearly he will not seek the nomination. He has made the announcement in ample time for the Democratic party to look about and provide for new leadership.

In the intervening time, Mr. Johnson apparently—from his words—intends to devote himself fully to the duties and responsibilities of the Presidency and to trying to secure peaceful termination of the war in Asia. Perhaps he cannot, but Hanoi must surely weigh this development with great deliberation, since it comes from a leader who has said he relinquishes any political ambition.

[From the Evening Star, Washington, D.C., Apr. 2, 1968]

MAGNIFICENT DISPLAY OF PATRIOTISM

President Johnson has put principle above personal ambition. In a magnifient display of patriotism, he has asked the American people to unite behind a constructive policy to save not only Vietnam but the other nations of the world as well as the United States from the threats of Communist imperialism.

Whether the Hanoi government and its sponsors—the Soviet Union and Red China—accept right away Johnson's sincere proposals for a peace negotiation, the air at least has been cleared. The world knows that the United States genuinely wants an end to the war but also that it does not intend to seek "peace at any price."

By withdrawing from the presidential race, Johnson, in effect, puts the American people as well as all the candidates of both parties on the spot. The President's peace plan now will be considered on its merits and will be separated from the political campaign—a fortunate development at a critical time in American history.

Why did the President announce that he would not accept renomination? He probably was influenced by a variety of reasons. Five years and two months in the presidency is a long time for any man to bear the burdens of the White House nowadays, especially with his health record. Also, no matter how earnest he might have been in his campaigning, he would have been handicapped in discussing the Vietnam war. Much of what he would be saying would be discounted as having a political motivation.

If Bobby Kennedy had defeated Johnson for the nomination, it would have been humiliating for LBJ. If both Sen. McCarthy and Sen. Kennedy were deprived of the nomination after a bitter contest with the Presi-

dent, the disunity in the party would have hurt Lyndon Johnson's chances of reelection. If Vice President Humphrey becomes the presidential nominee and is elected, it will be a vindication for Lyndon Johnson. So, all in all, the President decided on a course of self-denial—and one which will give him a distinguished place in history.

There are people on Capitol Hill who are still skeptical. They think that the President—if he has a lucky break and the war in Vietnam is ended—will change his mind and accept a "draft" at the Democratic convention in August. But the chances are that LBJ, while flattered by such a development, would really prefer, after 37 years of public service, to retire.

Who will win at the two national conventions? Assuming that the Johnson proposals on Vietnam meet with public approval, it is likely that Vice President Humphrey will be the beneficiary, and he undoubtedly will have the support of the Johnson wing of the Democratic party.

As for the Republican nomination, former Vice President Nixon now will find himself moving more and more toward the Johnson position on the Vietnam question and will have to concentrate on domestic issues in order to win the election. Gov. Rockefeller could be "drafted." He, however, would also have to come up with programs on internal problems that are better than those of Nixon. For hereafter, so far as politics is concerned, the debate on international questions may become secondary.

The Hanoi government will seem for awhile to be negative about the President's proposals. But pressure from Great Britain and other countries will be exerted in a determined attempt to line up Moscow on the side of some kind of peace negotiation—perhaps like the parleys which ended the Korean war.

Meanwhile, America's policy in Vietnam will gradually be focused on strengthening the South Vietnamese army so that fewer and fewer American troops will be involved. If this is done and it begins to look like a prolonged conflict, North Vietnam may have second thoughts about ignoring the Johnson peace plan.

Certainly Johnson has made a wise move in centering world attention on ways of settling the Vietnam war. Peoples everywhere will soon learn that America is not presenting barriers to peace in Southeast Asia. It is the consequence of aggression that must be faced not only by the nations in Asia but by the other powers around the globe if progress is to be made toward world peace.

President Johnson's speech on Sunday night will be widely supported by world opinion. It could furnish the basis at least for a real negotiation between the adversaries in the Vietnam war.

Proposed Construction of Federal Hardwood Management Research Center Near Charleston, S.C.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. THURMOND. Mr. President, the forest industries make a tremendous contribution to the economy of South Carolina. Research in this vital area is essential to the continued growth of this important sector of the southern economy. Recognizing this, the South Carolina General Assembly has passed a concurrent resolution urging the construction of a center near Charleston, S.C., to study the management of hardwood species. This center would be concerned with hardwood species growing on approximately 20 million acres of wetlands in the coastal areas of South Carolina, North Carolina, and Georgia.

The center has been planned for construction by the Southeastern Forest Experiment Station of the U.S. Forest Service.

On behalf of the junior Senator from South Carolina and myself, I ask unanimous consent that Senate Concurrent Resolution 819 of the South Carolina General Assembly be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 819

Concurrent resolution memorializing the South Carolina Congressional Delegation to Support the Construction of a Federal Hardwood Management Research Center Near Charleston

Whereas, the Southeastern Forest Experiment Station of the United States Forest Service is planning a center near Charleston to study the management of hardwood species growing on approximately twenty million acres of wetlands in the coastal sections of South Carolina, North Carolina and Georgia; and

Whereas, knowledge of management techniques for hardwoods is severely lacking, and it is essential that wetlands in South Carolina be properly managed to yield greater volumes of quality trees for the growing forest industries, and the scheduled construction of this facility is still several years away but any effort which will help to accelerate construction of this research center will hasten the development of hardwood lands in South Carolina and growth of the forest economy in this State. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That each member of the South Carolina Congressional Delegation is urged to support in every way possible the construction of a Federal Hardwood Management Research Center near Charleston.

Be it further resolved that copies of this resolution be forwarded to each member of the South Carolina Congressional Delegation.

Minnesota Editor Scores Economic Myths

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. NELSEN. Mr. Speaker, commenting on the plainly apparent shortcomings of the new economics, Don Brown, editor of the Waseca, Minn., Journal concludes:

The new thoughts are long on theory but short on realities.

Many of us certainly agree, and I include Mr. Brown's enlightening editorial at this point in the RECORD:

TALK TO EACH OTHER

Perhaps one thing wrong with the country was expressed by a friend recently when he said that economists spend too much time talking to each other and too little time talking with other people.

Back in 1921 we took a LaSalle course in advertising and it pointed out that judging copy or design by your own likes or dislikes is one of the greatest mistakes an advertising man can make.

This is somewhat the position a teacher in economics gets into. His colleagues all are of one accord. His students hesitate to express their opinions because they look upon the teacher as one who knows. If the student has ability to think for himself he hesitates to disagree with the instructor for fear of not getting a passing grade. This, of course, is not true of teachers in general but it is true of some and the student cannot differentiate between them.

The grave danger is where this is leading us. How many teachers of economics have told their classes that socialism in Great Britain, particularly welfare programs, has gotten England into a position where even the other socialist ridden countries of western Europe would not bail her out with a loan unless she revised her spending? How much emphasis has been put on the fact that excessive spending (unbalanced budgets) is the root of the United States trouble with its gold reserves?

The economists have told us that public debt is a good thing. Is this true? They have told us we have no fear because we owe it to ourselves. Is this true? They have told us that we should spend more than we collect. Is this true?

Back in 1962 Yale graduates were addressed at commencement time by the late President John F. Kennedy. What must they think today in the face of world conditions as they are?

The late President told the graduates of the myths of the old economics and the wonders of the new. He talked on the old cliches of our forefathers and "the incantations of the forgotten past."

The myths are legion, he said, in matters of fiscal policy. On this he elaborated with the words: "The myth persists that federal deficits create inflation and budget surpluses prevent it . . . But honest assessment plainly requires a more sophisticated view . . ."

In the face of our present predicament it is now clear to see that the economists had sold the late President a bill of goods. Surely they were sincere in selling their ideas but were they right?

Was Benjamin Franklin and his idea of thrift necessarily a fuddy duddy? There was certainly less to be feared from his teachings than from the teachings of those who belittle him today. The new thoughts are long on theory but short on realities. The theory that governments would not try to profit by buying gold would have been pooh poohed by the economist 10 years ago. They could not conceive that France would do that very thing. We couldn't either, but she has and so have a lot of individuals.

The economist has looked upon what is right. Human nature is not always that honest and concerned about the welfare of all—even in socialistic nations.

The cliche most to be feared is that the economists have the minds and the machinery to avoid another depression. We agree that they may have but the people will not go along with them any more than they will today accept higher taxes coupled with a lot less spending to get our house in order.

The Farmer's Economic Plight in Cold, Blunt Terms

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. HRUSKA. Mr. President, a letter to the editor published in the current issue of Fortune magazine puts the economic plight of the American farmer in

cold, blunt terms which serve to clear away much of the reckless rhetoric of Secretary Freeman and other apologists for the failure of the Kennedy-Johnson farm policies.

The letter is written by J. V. G. Forbes, a member of the faculty in history at Blackburn College in Carlinville, Ill. It is in response to a Fortune editorial which was critical of the $3 billion a year in agricultural subsidies.

Mr. Forbes, with careful documentation, points out that the most recent figures indicate the value of agriculture's productive assets is roughly equal to half the current assets of all U.S. corporations.

Allowing a 5-percent return on capital investment, Mr. Forbes calculates that the return to the farmer for his management and labor was only 1.4 percent, or about $27.50 a week for each of the Nation's farmers.

Much attention has been paid in recent months, Mr. President, to the Government's parity ratio which now stands at 74. This figure is based on a complicated computation using the 1910-14 prices as a basis.

A parity ratio of 74 is bad enough, especially when it is recalled that during the Eisenhower years it averaged 84.5. But Mr. Forbes calculates that last year the true parity ratio was only 44.5, using 1948 to 1950 as the base of 100.

In summary, Mr. Forbes writes:

We have debased the prime tenth of our wealth, the most vigorous generator of the Nation's income, the stablest part of our system. It is now to be supposed that there has been no hurt to the whole body?

I ask unanimous consent that Mr. Forbes excellent analysis be printed in the Extensions of Remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

GLOOMY WORDS FROM THE BACK FORTY

TO THE EDITORS:

Your editorial, "Bigger Than the Presidential Hand" (February), stated that the President, in calling for, "of all things, a new plan to raise farm incomes and prices," made "no mention of the fact that agriculture is already receiving some $3 billion per year by way of payments . . ."

Even so. Yet the level of farm prices should not be slighted in the search to find what ails the national economy. The value of agriculture's productive assets (total farm assets minus total farm debt) in 1966 (data for 1967 are not complete) was $214.1 billion, equal to 48.7 percent of the total current assets of all U.S. corporations in 1966. Capital investment normally requires 5 percent return. Agriculture's realized gross income in 1966 was $49.7 billion. Production expenses were $33.3 billion and government payments were $2.7 billion, so the actual net return on the worth of the productive assets was $13.7 billion, or 6.4 percent. This means that return for the farmers' management and labor was 1.4 percent, or $2.997 billion. Or $27.52 per week for each of the 2,095,000 farmers who husbanded and worked the quarter-trillion-dollar plant in 1966.

In 1967 realized gross farm income was $600 million less than in 1966. Nor were 1966 and 1967 uniquely poor years. In 1951–67 the assisted net farm income averaged $13.2 billion per year. Or $300 million less than the amount of the assisted net farm income in year 1950.

It cuts no ice to answer: "But each year fewer men were farming." The total of farm income, not how many men are left to deploy its purchasing power and pay taxes on it, is the effective economic factor.

The failure of gross farm receipts since 1950 to keep pace with the increase in the costs of farm production has been so serious that in 1967 actual farm parity was at 44.5 on the scale 1948–50=100.

In 1967 the difference between the prices the farmers received and the prices they paid cost them $60 billion of gross income earned but not received. The shortage affected, of course, not only the farmers and their families and their neighbors in the rural towns (more than one-fourth of our population) but also each business house and factory that had a rural market.

Total farm income equals total farm production times farm prices. Our eighteen-year depression of farm prices has kept farm production no more than level with the increase in this nation's population; has cheapened the cash market in the countryside; has depleted each state's tax base.

We have debased the prime tenth of our wealth, the most vigorous generator of the nation's income, the stablest part of our system. Is it now to be supposed that there has been no hurt to the whole body?

Federally Protected Function: Antigun Law, H.R. 2516

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. RARICK. Mr. Speaker, the latest Federal slavery act, known also as the Civil Rights Act of 1968 to some, contains a chapter 12 captioned "Civil Disorders."

On the face, to the unwary, this section would appear to be an antiriot bill to discourage city burners and civil rights extremists by prohibiting firearms in civil disorders.

But let us look at the language of the law in consideration of recent court interpretation and probable application.

The bill reads:

Whoever teaches or demonstrates to any other person the use, application or making of any firearm . . . or technique . . . knowing or having reason to know or intending that the same will be unlawfully employed for use in or furtherance of, a civil disorder which may in any way or degree obstruct, delay or adversely affect . . . the conduct or performance of any federally protected function.

The term "federally protected function" is defined as "means any function, operation or action carried out under the laws of the United States by any department, agency, or instrumentality of the United States or by any officer or employee thereof."

Federally protected function then means, among other things, under H.R. 2516:

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

* * * * *

(A) enrolling in or attending any public school or public college;

(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror.

(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

Mr. Speaker, thus should anyone teach or demonstrate a firearm or technique "knowing or having reason to know" or intending the same will be used to obstruct, delay or adversely affect the conduct or performance of a federally protected function, he becomes a criminal subject to a fine of not more than $10,000 and imprisonment not more than 5 years or both.

The invented freedoms promised by some politicians to curry favor among the so-called depressed people in pursuit of their civil rights cannot be given unless first taken from other citizens. If there is a question as to who is wrong, is it not safe to assume under present court rulings that the taxpayer-property owner will be named the accused and made the criminal. Consider the recent race riot report, for example, that is, all civil disorders were caused by white racism.

The ambiguous language involved leaves the extent of interpretation to the Federal judges.

Are you ready to place a sign on your house or apartment. "No guns here"? Is not the verbiage intended to disarm as criminals the so-called counterrevolutionary? If you think not, consider. You are asked if you own a gun and if so, why? You reply "To teach my sons the proper way to handle and shoot a firearm like my father taught me—to hunt, and to have around the house for security and protection."

The words "security and protection" can well bring you into the "knowing or having reason to know or intending." You can be in violation for merely doing what Americans have done since our country was first founded—keeping and bearing arms.

Whoever heard of a Federal law so stringent that it exempted police officers if "acting lawfully"?

Can anyone imagine for one moment this law will be applied against civil rioters who will be exercising their "federally protected function."

The bill's obvious purpose is to take the offensive against defenders of what we once enjoyed as civil rights.

Noteworthy, the second paragraph of this bill outlaws "transport or manufacture for transport" but does not include "federally protected function." Why take a chance with the antigun legislation by a law that could seek control through intimidation? Nowhere is the use of a firearm outlawed. And could not the word "technique" mean that karate teaching and demonstration is illegal?

The private property "takeover" is but one portion of the bill. The underlying blueprint must be planned to abolish private ownership to bring about the initiation of ratio-mixing of communities to break down neighborhood patterns.

Should the property owner or private citizen protest the infringement on his rights or make any indication of his standing up for his rights by teaching, demonstrating, or technique with intent, he—not the motley herd that will be marching and demonstrating over our property and in our neighborhood communities—becomes the criminal.

This is an upside-down law where—under revolutionary use of words—the criminal becomes the protected and the property owner the victim of intimidation.

If this bill is passed, as is, there can no longer be any defense of what is considered by many of us to be our castle—the American home and community.

Remember that no country—regardless of the mediocracy or retrogressive policies of its leaders—has ever been overcome and conquered until the citiziens' guns were first taken.

Think it over.

I include title 12 of H.R. 2516 following my remarks:

CHAPTER 12.—CIVIL DISORDERS

Sec.
231. Civil disorders.
232. Definitions.
233. Preemption.

§ 231. Civil disorders

(a) (1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—

Shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

§ 232. Definitions

For purposes of this chapter:

(1) The term "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) The term "commerce" means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

(3) The term "federally protected function" means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

(4) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(5) The term "explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(6) The term "fireman" means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

(7) The term "law enforcement officer" means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

§ 233. Preemption

Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof.

(b) The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after

"11. Bribery and graft..... 211"

a new chapter reference as follows:

"12. Civil disorders..... 231".

Senator George McGovern: A Dove in the Dakotas

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. NELSON. Mr. President, my good friend the distinguished Senator from South Dakota [Mr. MCGOVERN], has built a remarkable record in the U.S. Senate. For the past 6 years, many of his colleagues have listened with keen interest to his many constructive discussions.

Senator MCGOVERN, while ably representing South Dakota, has also dedicated himself to speaking for all Americans. His fine work, prior to coming to the Senate, as special assistant to President Kennedy and serving as director of food for peace, illustrates this fact. His record as a Member of the House of Representatives further attests to his dedication as a public servant.

Courage combined with competence describes his career. I salute Senator GEORGE S. MCGOVERN and am confident that the citizens of South Dakota again will exercise wise judgment and will return him to the Senate for a second term.

An interesting article by Bruce M. Stoner, published in the April issue of the Progressive magazine, describes the popularity of our able colleague. I commend it to the public and the Senate for close reading and therefore ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DOVE IN THE DAKOTAS: CAN MCGOVERN BE REELECTED?

(By Bruce M. Stoner)

(NOTE.—Bruce M. Stoner is managing editor of the Mitchell, South Dakota, Daily Republic.)

South Dakota Republican leaders, driven by a fervent desire to reclaim the only major political office not now in their grasp, are mobilizing all their resources to defeat Senator George S. McGovern, the Democratic dove, this year. As one wag put it: "About all they haven't committed by now is a candidate. And when they do, you'll see the most expensive political campaign this state's ever had."

Senator McGovern, the only Democrat South Dakota has sent to the U.S. Senate since 1936 and one of the few in all the state's history, is fully aware the Republicans will be hunting for "dove," and he has long been planning and preparing to render their barrage harmless. It will take a lot of doing in this normally Republican state, but the Senator is confident that his record dur-

ing two terms in the House of Representatives, two years as President John F. Kennedy's Food for Peace director, and a full term in the Senate has met the approval of the majority of his constituents. He has always acknowledged that his victories in the past required the support of liberal Republicans and independents as well as Democrats to beat the GOP machine candidates, "as it will this time."

One factor favorable to the Republicans in this year's campaign is that there is not likely to be any major Democratic threat for the two House seats or for any state constitutional office; this leaves the GOP organization free to mount a concentrated assault on McGovern.

Another plus for the GOP is the unpopularity of Lyndon B. Johnson. In 1964 President Johnson became the first Democrat in twenty years to win South Dakota's four electoral votes. Today almost any Republican likely to be nominated by the opposition could put South Dakota back in the Republican column, according to surveys of public opinion.

The presence of so weak a Democratic candidate at the top of the ticket could hurt McGovern; some observers place the potential loss to the Senator at 40,000 votes. But this factor may prove less an advantage to the Republicans than might ordinarily be the case because McGovern has been at odds with his President on two important issues—the war in Vietnam and the Administration's handling of agricultural problems—and the voters know this. In the absence of any drastic changes by election time, this could well turn out to be the decisive plus for McGovern.

The Republicans are expected to refrain from any primary contest for Senate nomination for fear that such a race would have a divisive effect. The actual "primary" is believed to be taking place right now, behind closed doors. Only two names have been mentioned: Governor Nils Boe, a Sioux Falls bachelor attorney now completing his second (and last by law) two-year term, and his immediate predecessor, Archie Gubbrud, Alcester farmer who also served two terms. Both have indicated interest in Senate candidacy, but neither has announced. The odds now are that it will be Governor Boe.

In the light of recent polls, the two potential GOP candidates have little to look forward to. Nearly everybody but McGovern's staff was surprised last December when the South Dakota Poll showed McGovern ahead of Boe by sixty per cent to thirty-two per cent, with eight per cent undecided, and ahead of Gubbrud sixty-six to twenty-nine, with five per cent undecided. A private professional sampling taken for McGovern at about the same time showed almost identical results.

Three months later, in late February this year, the outcome of the South Dakota Poll was even more discouraging for the Republicans. If the election had been held then, the Senator would have swamped either Gubbrud or Boe, according to these results in a strongly Republican state:

[In percent]

	McGovern	Boe	Undecided
Farm	79	15	6
Town	79	20	1
City	59	34	7
State	71	24	5

[In percent]

	McGovern	Gubbrud	Undecided
Farm	73	25	2
Town	82	17	1
City	60	33	7
State	70	27	3

These results reflect a remarkable advance for McGovern during the past year. A year ago the same poll showed him to be ahead, but by a substantially smaller margin. Then the poll showed McGovern with fifty-four per cent, Boe thirty-nine per cent, and seven per cent undecided. Against Gubbrud, McGovern had fifty-seven per cent, Gubbrud thirty-five, and eight per cent were undecided.

The poll is sponsored by three South Dakota daily newspapers—*The Watertown Public Opinion, Aberdeen American-News,* and *Sioux Falls Argus Leader.* It is conducted by a staff at Augustana College in Sioux Falls. It has missed on only two races in its fourteen years of operation.

McGovern's showing is in sharp contrast with President Johnson's. A current companion poll on the Presidency showed that of the five most-mentioned GOP possibilities, the President could win over only Governor Ronald Reagan of California at this point. Governor Nelson Rockefeller of New York ran strongest, fifty-six per cent, with nineteen per cent undecided. Richard Nixon and Governor George Romney of Michigan both polled fifty-one per cent to Johnson's thirty-four, with fifteen per cent undecided in each case. Senator Charles Percy of Illinois led the President forty to thirty-six per cent, with twenty-four per cent undecided. Reagan trailed Mr. Johnson forty to forty-three per cent, with seventeen per cent undecided. Little change was noted between the December and February polls.

What strategy South Dakota Republicans will develop in their determined effort to unseat McGovern is not yet apparent. Their original battle plan has failed to shake McGovern's strong position, if the polls are at all accurate. During the past five years, the opposition has twice attacked the Senator heavily on issues they thought would find him vulnerable. One of them was his role as one of the leading Senate critics of the war in Vietnam.

"Here," they said, "is a dove going against his own party's Administration. Going against a war being waged to halt the spread of Communism—a war supported by people in his own state with a solid background of anti-Communist feeling."

But they miscalculated.

As both the war and McGovern's criticism of Mr. Johnson's war policies escalated, State Republican Chairman Charles Howard, National Committeewoman Louise Humphrey, and Party Executive Secretary John Graff poured out a flood of press releases denouncing the Senator's views—some of them hinting at disloyalty, even downright treason. They were joined by Second District Congressman E. Y. Berry, the darling of the right-wing Americans for Constitutional Action. First District Congressman Ben Reifel and the senior South Dakota Senator, Karl E. Mundt, were less vocal than their Republican colleagues. Neither attacked McGovern directly; instead, they called for solidarity in support of our Asian intervention, questioning only whether the President's handling of it was as strong as it should be.

GOP leaders were not the only ones in South Dakota who felt McGovern had made a serious blunder in joining the vanguard of Vietnam critics. Republicans and Democrats alike wondered why a Democrat elected to the Senate in 1962 by the narrow margin of fewer than 600 votes in a normally Republican state would want to challenge the President of his own party. "Isn't he flirting with political suicide?" many asked.

It was not until the spring of 1967, more than three years after McGovern had launched his opposition on Vietnam, that a survey of his constituents' sentiment on the issue was made. By that time U.S. involvement in Vietnam had expanded greatly and the list of dissenting Senators had grown within both parties.

Results of that South Dakota Poll a year ago surprised just about everybody, McGovern included. Shortly before the straw vote was published, the Senator wrote in his monthly newsletter: "Since my recent speech warning that World War III may be the result of our deepening involvement in Vietnam, I have noted several critical reactions. I expected criticism, and I do not complain about it. . . . If I have a right to question the Johnson war policy, others have a right to defend it. But none of us has the right to question the patriotism of men who sincerely disagree with us. If a person believes his country is following a dangerously mistaken course, as I believe we are in Vietnam, he would be unpatriotic *not* to speak out. Silence in such a situation would be political and moral cowardice."

Not only did the 1967 South Dakota Poll results show that a whopping seventy-three per cent of voters in both parties felt McGovern should publicly voice his opposition to U.S. policies in Vietnam, but *nearly half* of them agreed with the Senator's position on the substantive issue.

On the questionnaire sent to those polled, it was explained that Senator McGovern had been critical of the Johnson Administration's policies on Vietnam. It was pointed out that the Senator had recently charged that the escalation of bombing in North Vietnam was wrong, and that he warned that stepping up the war had brought World War III closer.

Forty-seven per cent of those polled in that 1967 survey approved McGovern's position, fifty per cent said they disapproved, and three per cent had no opinion. Only sixteen per cent said they approved of the Administration's handling of the Vietnam War. Half wanted further escalation "in an attempt to force a decision," thirty-four per cent wanted to de-escalate "in an attempt to bring the matter to the conference table and reduce the American role in Vietnam."

As in this year's poll on the Senatorial race, McGovern's strongest support on his Vietnam position came from farmers, with sixty-six per cent approving, thirty-four per cent disapproving.

With this outcome, GOP spokesmen developed a reluctance to challenge McGovern on the Vietnam issue.

Two months later, however, another door seemed to have opened to the Republicans. McGovern reportedly was amassing a quarter-of-a-million-dollar "war chest" for the 1968 campaign. Worst of all, much of it was being raised by "Eastern liberals."

GOP headquarters in Pierre had spotted a story in the July 5 *Washington Post* reporting that "Eastern liberals in New York and elsewhere have quietly begun to raise money in behalf of 'dove' Senators whose seats are in jeopardy in 1968." McGovern was listed as one of the beneficiaries of this effort, along with Senators Frank Church, Idaho; J. William Fulbright, Arkansas; Gaylord A. Nelson, Wisconsin; Joseph S. Clark, Pennsylvania; Ernest Gruening, Alaska, and Wayne L. Morse, Oregon, all Democrats.

"Stanley Frankel, a New York business executive and friend of McGovern's," the *Post* article said, "claims to have raised $13,000 for the South Dakota freshman with a series of phone and letter campaigns culminating in a June 7 cocktail party at the home of Carol Haussaman, a prominent New York real estate woman and philanthropist. Arthur Schlesinger, Jr., and John Kenneth Galbraith both made appeals at the party."

Republican strategists Howard, Graff, and company seized on the story and issued press releases attacking McGovern for accepting Eastern liberal support "from money raised at cocktail parties." They charged that the Senator was raising a quarter of a million dollars to conduct his 1968 campaign, and had, in fact, already raised $100,000 of it. McGovern countered with an offer to pool his campaign funds with the campaign chest

the Republicans were raising to oppose him, and to split it down the middle with his opponent. GOP Chairman Howard said the offer "is nothing but a smokescreen to hide McGovern's fund-raising activities."

"Let's be realistic," he said. "Those New Yorkers who are holding cocktail parties [for] McGovern . . . are not going to permit the sharing of their money with a Republican candidate for the Senator's seat."

As the editor of a South Dakota daily paper, I received numerous "letters to the editor" on this issue. All but one or two of them obviously originated in a GOP "letter mill" in Sioux Falls. All expressed indignation that the Senator was raising campaign funds at "cocktail parties." But public indignation against an Eastern invasion by cocktail-party types failed to materialize and GOP headquarters soon abandoned the issue.

Then, after a few months of comparative silence, GOP leader Howard tried a new approach. He initiated an attack on McGovern's Congressional record on agriculture. It is doubtful this new starategy will be any more effective than its predecessors. As the polls have consistently demonstrated, the Senator's strongest support is in rural South Dakota, and there is little in the new attack to shake that support.

The Republican chairman charged that McGovern has failed to "get his good friend Secretary of Agriculture Orville Freeman and his fellow Democrats in Congress to enact a workable farm bill." Moreover, he said, "McGovern is always introducing bills and resolutions but these never seem to accomplish much."

But McGovern can put the lie to this accusation. With barely a year of Senate experience behind him, President Johnson wrote of him that it was "a tribute both to his knowledge of agriculture and to his legislative skill that he was chosen, while still a freshman Senator, to guide the 1964 farm bill safely through the Senate." The bill included McGovern's voluntary wheat certificate proposal, a domestic payments plan which in 1965 was extended to other commodities.

In 1965 the Senate adopted the substance of McGovern's proposal to provide grants to help universities assist agricultural and economic development in other countries. In 1966 the Senate approved his International Food and Nutrition Act. And this year virtually every major farm organization has supported his proposed legislation to provide a strategic grain reserve.

In an editorial note in McGovern's new book in the American Heritage series, *Agricultural Thought in the Twentieth Century*, Alfred Young and Leonard W. Levy wrote that Senator McGovern has, in a decade of national political life, "established a unique reputation: as a spokesman for the once 'isolationist' Midwest who sees the interests of his farm constituents and nation served by a practical, humane internationalism; as an influential freshman Senator willing to be an independent to do battle for his principles; and as a scholar in politics."

This is as apt and concise an evaluation of McGovern as one can make. This is the reputation he has established in South Dakota.

George McGovern today appears to be in no grave danger of losing his bid for reelection. Of all the doves in the Senate, he may well be the strongest with the voters—and this is so despite the fact that he is a Democrat in a predominantly Republican state. It is his steadfast opposition to the Johnson Administration's policies that is working so strongly in his favor. Unless events beyond our imagining now disturb the course of the campaign, George McGovern will be reelected as a dove even as President Johnson loses South Dakota.

Resolution Honoring Wayne N. Aspinall, Chairman, Committee on Interior and Insular Affairs

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. SAYLOR. Mr. Speaker, the members of the House Committee on Interior and Insular Affairs deeply appreciate the work of the gentleman from Colorado, the Honorable WAYNE N. ASPINALL, as chairman of the committee in many ways and especially in a recent difficult task, and they would like to share the resolution in which the committee expresses its appreciation.

The text of the resolution follows:

Whereas the Colorado River is one of the most important rivers in the development of the western United States; and

Whereas the importance of the Colorado River and its tributaries is borne out by the fact that it and its tributaries drain a vast area of approximately 242,000 square miles, or about one-twelfth of the area of the Continental United States; and

Whereas the controlled and managed use of the Colorado River and its tributaries vitally affects the economic life of the States of Arizona, California, Colorado, New Mexico, Nevada, Utah and Wyoming, and therefore of the whole United States; and

Whereas the water resources of the Colorado River basin have been a subject of controversy for at least five decades; and

Whereas this controversy is partially reflected in four major pieces of litigation before the Supreme Court of the United States; and

Whereas from this controversy have emerged three major treaties and compacts (the Colorado River Compact, the Mexican Water Treaty, the Upper Colorado River Basin Compact) and several major Acts of Congress (the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, and the Colorado River Storage Project Act); and

Whereas the Colorado River remains a river in controversy and, during the 89th and 90th Congresses, has been the subject of hearings and other legislative action and has involved many long hours of discussion and debate in the Committee on Interior and Insular Affairs of the United States House of Representatives; and

Whereas the particular and varied interests affected by such legislation caused the consideration of such legislation to be conducted at times in an atmosphere of tension and zealous debate; and

Whereas the resolution of these matters presented a most formidable and responsible task to the Honorable Wayne N. Aspinall, Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives; and

Whereas the conduct of such legislative hearings and discussion was highlighted by the courtesy, patience, fairness and understanding extended to all interests by the Chairman of the Committee; and

Whereas the Committee under the able leadership of its Chairman reported favorably H.R. 3300, "The Colorado River Basin Project Act," in an attempt to resolve the controversy of the Colorado River; and

Whereas the efforts of the Honorable Wayne N. Aspinall to resolve all the issues of the Colorado River in harmony and understanding are highly commendable, now therefore be it

Resolved by the Committee on Interior and Insular Affairs of the United States House of Representatives, That the Members of said Committee do hereby express their deep appreciation to the Honorable Wayne N. Aspinall for his patience and untiring efforts to bring forth a resolution of this long, difficult and debated controversy and commend him for his outstanding and excellent leadership as Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives.

Ordered done this 26th day of March, 1968 by unanimous vote of the Members of the Committee on Interior and Insular Affairs.

Attest:

NANCY J. ARNOLD,
Chief Clerk.
JAMES A. HALEY,
Ranking Majority Member.
JOHN P. SAYLOR,
Ranking Minority Member.

The Materials Testing Reactor in Idaho

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. JORDAN of Idaho. Mr. President, the National Reactor Testing Station in southern Idaho is currently faced with the possibility that its material testing reactor may be phased out by the Atomic Energy Commission by fiscal year 1970. Considering the economic impact that such a move would make, it is indeed essential that the research community, which would receive the heaviest blow in terms of depletion, take part in the decisionmaking process. If such a phase-out is imminent, it is my hope that Idaho will be allowed to take part in the decision with alternative approaches thoroughly considered.

It is my hope that Idaho and our neighboring States might develop a cooperative plan to take over this facility for the furtherance of nuclear science studies. To develop such a plan will require more time than is presently indicated. For this reason I hope that no precipitate action will be taken until alternate uses can be fully explored.

An editorial entitled "The MTR Question," published in the March 24, 1968, issue of the Idaho Falls Post-Register, provides an apt and lucid discussion of this problem. I ask unanimous consent that this stimulating commentary be reprinted in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MTR QUESTION

The Idaho Nuclear Energy Commission demonstrated its inestimable value this week as it confronted the possible phase-out of the Materials Testing Reactor at the National Reactor Testing Station.

The commission has recommended to the AEC that it re-assess a projected phase-out of the MTR in the light of its value as an educational and training tool and because such a phase-out could seriously deplete the vital scientific corps at the Idaho station.

The Idaho Operations Office of the AEC had been looking at the possible eventual phase-out of the MTR, especially after the big new Advanced Test Reactor hoved into preliminary operation.

Characteristically, the Idaho AEC office had said nothing about any phase-out of the

original test reactor at the Idaho site. It was apparently felt that it was too early to say anything because if such a phase-out did occur, it would not be until calendar 1969 or 1970.

But the point should be made that scientific personnel at the station were undoubtedly restive after the big new Advanced Test Reactor neared completion and after reports about the questionable future of the MTR became intensified. This newspaper had to learn about the fact that the AEC was considering an eventual phase-out of the MTR from such reports. And, although requested to do so, the AEC still has not confirmed that it was considering an MTR phase-out—but considering it the AEC was.

Originally, the AEC was tentatively projecting MTR operation past the 1970 fiscal year, but tight research funding policies as a result of the Vietnam war, have influenced the AEC to consider a 1970 fiscal year phase-out of the MTR.

The 1970 fiscal year begins a year from this July . . . and this means that MTR scientists, many of them pure researchers who may feel they have to get back into university work, have to begin thinking about new employment. It takes this sort of lead time, for example, for scientists to identify with a university faculty.

But to this date, the AEC has said nothing about its obvious discussions of the MTR—and in face of a specific request to do so, and in the face of a study by the state nuclear energy commission on the projected phase-out of the MTR.

This is not the kind of information that the AEC, in Idaho or in Washington, D.C., should hold to its bosom, but it is the kind of information which the AEC has traditionally kept secret in Idaho until a decision is all packaged up by the AEC in Washington, D.C. It is then presented as a sad-but-true ipso facto. If Idahoans will recall past cancellations at the Idaho site, they will remember that practically all of them have been with decision-in-hand before the area, the state or anyone else has had an opportunity to assess whether the decision is in the best interest of state and nation and whether alternatives have been thoroughly explored.

In its MTR evaluation, the state nuclear commission is saying, "Let's look at this with more penetration, because it could have serious debilitating impact on research in this area as well as the economy."

But what the commission is in effect saying, and which is almost as important for the future of the Idaho station is this:

You should let the off-site research community, the state and the area in on the process of decision—not just the decision itself.

The AEC has to make the decision itself. And it must be remembered that it is only considering the phase-out in what it feels is the best interest of the taxpayers as well as research. It costs money to operate the MTR, around $1.5 million a year, and if future usefulness is in question, a phase-out exploration is in order. But it will arrive at a more effective and comfortable decision, if it discards its manifesto approach of the past and consults openly and candidly with responsible Idaho leaders . . . and announces the obvious when it is considering any major changes at the site.

It is always true that the people to be affected at the site are aware that "something is in the wind" anyhow and consequently are made more unsettled and unstable by being rumor-victims. Information-by-leak is as unsavory as it is ineffective.

One of the alternatives, incidentally, as a new operator of the MTR is a complex of regional universities. This would be a new grouping of regional universities with nuclear research interests or a program advanced by the Associated Western Universities throughout the Rocky Mountain area. The universities, frankly, have not come forth with the kind of money needed to perform meaningful research and training at the Idaho station.

Will the prospective demise of the MTR, and its valued research potential, stir the universities to put money where their professions have been? It is amazing what duress can do—as Hanford, Wash., has amply demonstrated. But we need to buy more lead time on the question, regardless.

The AEC and Idaho simply cannot afford to lose the scientific elite represented in the MTR's staff. The value of the Idaho station is not just facilities. It is more the indispensable scientists who have associated with it. The Idaho station is so measured. One of the most important missions facing the AEC and Idaho is to determine what can be fruitfully done with the MTR.

Phaseouts are an occasional loadstone for any research program. Opposing them unrealistically is fruitless and money-wasting. But relating them to new opportunities, or merely easing the impact, is the mission of both the AEC and the region it serves.

The President: His Finest Hour

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, a fitting and deserving tribute has been paid to President Johnson in an editorial in the Reading Times of April 2. I share the sentiments expressed in that excellent editorial.

It seems to me that President Johnson made an historic and courageous address, meaning every word when he told of his desire for unity, stability, and progress at home and peace in Southeast Asia and around the world. In that historic message to the Nation and to the world, President Johnson placed his country, its security and welfare ahead of his personal and political career.

To most people the President's decision came as a big surprise. But those who have been close to him felt that he was heavily burdened with problems that seemed insoluble. It was evident that he was deeply disturbed by disunity at home and saddened by the loss of American boys in Vietnam. Like many of my colleagues in Congress, I felt that no one could be more interested in a peaceful solution of that war than President Johnson.

With permission of the House, Mr. Speaker, I include the Times editorial which follows:

THE PRESIDENT—HIS FINEST HOUR

President Lyndon Baines Johnson, a proud Texan, never stood so proud and so tall an American as he did Sunday night.

He has shown that peace is his prime goal.

He did it with these words:

". . . I shall not seek and I will not accept the nomination of my party for President of the United States."

We have criticized the President's administration before and we'll do it again if we feel it is necessary. But we have never doubted the President's integrity or his courage—and we are not in the habit of using those words loosely.

The bombshell that President Johnson delivered at the very end of an address on the Vietnam conflict, stunned the political world.

Before that, he had announced a unilateral deescalation of the war in Vietnam, once again putting the onus on the Communists regarding taking the war to the conference table.

Now the Reds must reassess their position, for in withdrawing from the Presidential race, the President has removed personalities from the war issue.

It is true, of course, that some believe this may be political gimmickery on the President's part—that he hopes a ground swell of public opinion will make him reverse his decision.

But at this point, we must take his words at their face value, and at their face value, they are unequivocal.

Also, what the President has done has shifted the political campaign from a personal basis to the level of issues, particularly the Vietnam war. Suddenly, Sens. Eugene J. McCarthy and Robert F. Kennedy and former Vice President Richard M. Nixon have an issue to debate, not a personality to attack, and that is healthy.

The President has been faced with the increase of crime in the streets, civil-rights demonstrations, the gold drain, and, overshadowing them all, Vietnam. He has lived and slept with these problems. He has walked alone, so terribly alone, for the Presidency is, indeed, an awesome office. It is where the buck stops.

And, while demonstrators burned flags and draft cards and carried obscene signs vilifying him outside the White House, the President was pondering another agonizing decision in recent months—one that conceivably could cause history some day to drape the mantle of greatness about his tired shoulders.

President Johnson is a wealthy man. He can retire to his Texas ranch and live a comfortable life, away from the stress and strain of public life.

But President Johnson has said he is a public servant. He has served the American people for 37 years—as a congressman, senator, vice president and President, assuming the Presidency under the most difficult and tragic of circumstances, the assassination of a very popular President, the late John F. Kennedy.

The President has thrown down the gauntlet to the Communists by de-escalating the war and removing himself from a second term, thus leaving it up to the Reds to reevaluate their position. If they fail to accept the President's offer, considering his electrifying decision not to seek reelection, then they stand indicted as being the wanton aggressors they are.

In a momentous decision, in a few words, the President has put all personal ambition aside to devote his energies toward working for peace, despite the personal cost.

If that peace comes, it will be his biggest monument.

Restoration of Pre-Revolutionary War Fort by New Hampshire Federation of Women's Clubs

HON. THOMAS J. McINTYRE

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. McINTYRE. Mr. President, so much attention these days is paid to the conflict in Vietnam and to the gallantry and devotion of the men who fight there, that we sometimes forget feats of heroism and devotion that are parts of our heritage. Such an event occurred in New

Hampshire on April 7, 1747, when young Capt. Phinneas Stevens and 30 farmer-soldiers defended a small log fort from an attack by 700 Indians under command of the French.

The members of the New Hampshire Federation of Women's Clubs are raising funds to restore the fort to its original form. The entire story is told in a release from the New Hampshire Division of Economic Development. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERATED WOMEN'S CLUBS STAGE MAJOR DRIVE FOR OLD FORT NO. 4 PROJECT

CHARLESTOWN, N.H.—Two centuries, two decades and one year ago this coming (April 7) Sunday, a horde of 700 Indians, under command of the French, started a siege to wipe a tiny settlement here off the face of the earth.

It didn't bear the name of Charlestown then; rather the crude settlement, in the wilderness of that era, was designated simply as Number Four.

On April 7, 1747, the fears of youthful Capt. Phineas Stevens and 30 farmer-soldier defenders of the sturdy little log bastion, saw their fears realized as a horde of 700 Indians, under command of the French, launched a surprise, ferocious attack.

For three days and horror-filled nights, balls from muskets and arrows thudded into the stockade, its primary building, the Great Hall, and, to such of the 13 cabins as were exposed. The grass on the cutover land around the Fort and the logs were tinder dry from the warm spring breezes and a possible fire storm was as great a threat to the bastion as the enemy, unaware she was so thinly defended, ready to storm over or through a gap in the stockade in human waves.

Well water and bucket brigades saved the Fort from destruction by fire and, since the military "intelligence" of the foe was possibly non-existent, an attempt to overrun the bastion with sheer numbers was apparently never mounted. On the fourth day of the siege, licking his wounds, the enemy retreated quietly upriver—mission unaccomplished.

Had Captain Stevens, his 30 co-defenders, and the Fort at No. 4 itself failed, almost certainly the larger settlements to the south would have been subjected to grave peril. As for No. 4, it never again was assaulted in anything like comparable strength.

On the April 7–10 anniversary dates this year of the great 1747 battle, in fact one day early because the 7th falls on a Sunday, a host of members of the N.H. Federation of Women's Clubs will figuratively put on their war bonnets in a tag-days, money-raising bee on behalf of the major fund raising campaign they launched a year ago. Their campaign officially ends in mid-May when they have their annual meeting.

The principal exact replica structures already completed at the site here are the Great Hall with its watch tower, the Captain Stevens cabin and the 700-log stockade. A neighboring building houses artifacts and serves as an administration center. The project is open to the public, at modest fees, during the tourist season.

Ninety-year-old Mrs. Eva Speare, Plymouth historian, is the backbone and guiding light of the money raising effort. Her sights had been set pretty high but in any event the clubwomen are expected to come up with sufficient funds to erect at least two cabins and, Mrs. Speare said, are "hopeful we will find other means to do three more."

Should this goal be attained, it would be "all downhill" insofar as the remainder of the reconstruction program is concerned according to Donald Galbraith, President of the Old Fort No. 4 Associates, and his fellow Directors. Some of them have been living for a couple of decades with the dream that an exact replica of No. 4 might some day arise as an eternal memorial to Captain Stevens and his fellows; and a most worthwhile contribution to the rich heritage of this particular stretch of Connecticut River valleyland.

Distinguished patriots of Colonial days, who well knew and appreciated the strength of the bastion's walls, included Major Robert Rogers and Gen. John Stark. The original fort long since disappeared. Fine colonial houses and lush green lawns in the village of Charlestown proper grace the land on which it once stood. The new site meadowland runs down to the waters of the historic Connecticut River.

Noted Minnesota Educator To Assume New Job

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. NELSEN. Mr. Speaker, Dr. Edgar M. Carlson has been a tremendous asset to Gustavus Adolphus College in St. Peter, Minn. As its dedicated and resourceful president for many years, he has soundly advanced the college and in the process has acquired an outstanding reputation in the field of higher education. Dr. Carlson has recently announced his resignation in order to assume the position of executive director of the Minnesota Private College Council.

Those of us who have had the privilege of knowing Dr. Carlson greet news of his departure from St. Peter with real regret, but take great pride in the new responsibilities he will assume for the private colleges in Minnesota.

I include for the RECORD at this point, an editorial concerning Dr. Carlson which appeared March 30 in the Mankato, Minn., Free Press:

DR. CARLSON'S DECISION

The resignation of Dr. Edgar M. Carlson as president of Gustavus Adolphus College was presented to the board of trustees on Thursday. It was announced publicly Friday.

Dr. Carlson's decision was perhaps one of the best kept secrets in Minnesota higher education circles.

Few if any of the immediate members of his staff, board members and confidants privy to his innermost thoughts were aware of his pending resignation.

Not that Dr. Carlson employed secrecy in carrying out the manifold duties of his office for 24 years.

The tactic to the contrary is a testimonial of sorts to a man of quiet dynamism that he should reach what must have been a soul-searching decision in a manner so in keeping with his unassuming personality.

The noted educator-theologian will be leaving his post no later than Sept. 1 to fill the position of executive director of the Minnesota Private College Council. He will be charged with providing leadership and administrative services for the common interests and activities of the member colleges.

In short, Dr. Carlson will be emphasizing cooperation and teamwork.

This should not be a difficult assignment for Dr. Carlson, who in his nearly quarter of a century presidential service to Gustavus has made teamplay a focal point in the college's impressive academic, physical and enrollment gains.

Dr. Carlson's contributions can be measured in terms of thousands upon thousands of students . . . hundreds of faculty members . . . and millions of dollars spent in brick and mortar and the ingredients for a progressive, expanding curriculum.

They can be measured, too, by his honors and citations which number into the dozens—in this country and abroad. His books and published articles are read the world over. The Count Folke Bernadotte and Alfred Nobel memorial programs which he helped develop have had scholarly recognition and acclaim.

It is a rare and heady privilege to return as president of an institution from which one was graduated. It is not surprising that Dr. Carlson chose to interpret this call as an obligation more than an honor.

At 59, with a lifetime of dedicated service to man behind him and many productive years still ahead, Dr. Carlson gratefully is not so much changing his course as he is merely adjusting his sails.

Statement by Senator Strom Thurmond, Republican of South Carolina, on Senate Floor Regarding Concurrent Resolution S. 827 of the General Assembly of South Carolina—April 3, 1968

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. THURMOND. Mr. President, the General Assembly of South Carolina adopted a concurrent resolution on March 27, 1968, requesting that the Justice Department make public its findings concerning recent events at Orangeburg, S.C.

The tragic events in Orangeburg concern all South Carolinians deeply. The citizens of South Carolina are anxious to know the answers to all questions concerning these events. The Federal Bureau of Investigation has been conducting an investigation into these incidents, and it is believed that the results of this inquiry could be informative. Accordingly, the general assembly, speaking for the citizens of South Carolina, has called upon the Attorney General and the Director of the Federal Bureau of Investigation to disclose their findings.

On behalf of the junior Senator from South Carolina [Mr. HOLLINGS] and myself, I ask unanimous consent that Senate Concurrent Resolution 827 of the General Assembly of South Carolina be printed in the Extensions of Remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 827

Concurrent resolution requesting the Attorney General of the United States and the Director of the Federal Bureau of Investigation to immediately make public all available information relating to incidents of civil disobedience in and around the city of Orangeburg, South Carolina, during recent weeks

Whereas, numerous conflicting reports by

the several news media have been made public relative to incidents of civil disobedience which occurred during recent weeks in and around the City of Orangeburg, South Carolina; and

Whereas, it is the sense of the General Assembly of the State of South Carolina that matters of such serious nature should be clarified immediately; and

Whereas, the General Assembly has been informed that these incidents have and are being investigated by the Federal Bureau of Investigation. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Attorney General of the United States and the Director of the Federal Bureau of Investigation are respectfully requested to make available to the Governor, the General Assembly, and to the public of this State all information they have obtained relative to incidents of civil disobedience in and around the City of Orangeburg, South Carolina during recent weeks.

Be it further resolved that a copy of this resolution be immediately forwarded to the Attorney General of the United States, the Director of the Federal Bureau of Investigation, and to each member of the Congress representing the State of South Carolina.

Our Heartfelt Commendation to Kentucky's Salt Mine Firefighters

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. CARTER. Mr. Speaker, we still remember with grief in our hearts the tragedy that struck the families of the 21 miners who were asphyxiated after a fire destroyed the inside of a Cargill, Inc., salt mine located on Belle Isle, La., near the small village of Calumet.

I am sure the Nation shares the pride of Kentuckians in the fact that two mine-rescue teams from west Kentucky coal mines and a third team made up of U.S. Bureau of Mines personnel performed the rescue and recovery operation after the fire.

The coal-mining teams were sent by Island Creek Coal Co. and Pittsburg & Midway Coal Co. Eight UMWA members from three district 23 local unions participated in the arduous effort to rescue the 21 men. UMWA members who aided in the heroic attempt to save the lives of the 21 men were as follows:

From Local Union 1138, Pittsburg & Midway Coal Co., DeKoven No. 9 Mine: Jerry Simpson, team captain; Leslie Patterson; Tommy Steele; James Reynolds; and Welborn Vaughn.

From Local Union 1076, Fies Mine, Island Creek Coal Co.: Paul Lee and A. R. Blair.

From Local Union 7653, East Diamond Mine, Island Creek Coal Co.: Tom Dupree.

International President W. A. Boyle, who was deeply concerned about the fate of the 21 trapped men, sent the following letter to each member of the union who participated in the recovery operation, and district 22 President Louis Austin, in a verbal statement to the Journal, heaped praise upon the coal miners for their bravery in going to the aid of their fellow workers.

At this point, Mr. Speaker, I insert Mr. Boyle's letter and Mr. Austin's statement in the RECORD:

[From the United Mine Workers Journal, Mar. 15, 1968]

PRESIDENT BOYLE: "OUR HEARTFELT COMMENDATION"—KENTUCKY MINERS FOUGHT SALT MINE FIRE

"Vice President George J. Titler and Secretary-Treasurer John Owens join me in expressing our intense pride in the unselfishness and bravery displayed by you and our other members from District 23 who took part in the recent mine-rescue operation at the Cargill, Inc., salt mine near Morgan City, Louisiana.

"Your voluntary participation in this heroic effort epitomizes the selflessness and courage displayed by coal miners whenever a fellow miner may be in danger. Although the men you sought to aid had tragically perished, the fact that for several days in the face of constant peril you worked relentlessly and without sleep to reach them bespeaks an indomitable spirit in all of you which is typical of West Kentuckians and coal miners everywhere.

"Our entire membership shares our profound feeling of pride in your courageous and humanitarian work. With our heartfelt commendation and warm fraternal good wishes."

District 22 President Louis Austin, in a verbal statement to the Journal, praised the team members as "men who symbolize the historic concern coal miners have always had for their fellow workers."

Austin also said, "All of west Kentucky is proud of these brave men."

Many newspapers and radio and television stations across the United States joined in praising the mine rescue teams. Also joining in the adulation was the legislature of the state of Kentucky. It passed a resolution praising the teams and their bravery. Leading proponents were two House members from Western Kentucky, William Cox of Madisonville, and R. L. Richey of Bremen. In his speech in support of the resolution, Cox pointed out that a majority of the team members were members of the UMWA.

Supervisory personnel sent to Louisiana by the two companies included Pittsburg and Midway Coal Co. Safety Director William L. Meadows and Raymond W. Ashby, Safety Director, West Kentucky Division, Island Creek Coal Co. Others were Louis Henderson, assistant mine foreman at Island Creek's Fies Mine, Dilford Holmes, assistant mine foreman at Island Creek's East Diamond Mine, and Thomas E. Holeman, assistant mine foreman, P & M's DeKoven No. 9 Mine.

The mine rescue and recovery operation was under the supervision of the nation's top mine rescue expert, James Westfield, Assistant Director—Health and Safety, U.S. Bureau of Mines.

Bureau of Mines personnel who worked underground were U.S. Coal Mine Inspectors Clem Dovidas, Don Martin and Jim Harvey, and Safety Representatives Roy Capps, Louis Zaverl and Marlin Moore.

Working with Westfield above-ground were Harold Brown, Sub-District Manager for the U.S. Bureau of Mines at Dallas, Tex., Art Evans, a mining engineer in the Bureau's Dallas office, Walter Whittaker and Jim O'Connor.

Company personnel were coordinated by Cargill Vice President Clayton Tonnemaker. In speaking of the mine rescue teams, Tonnemaker said: "We can never repay these men for their courage and endurance."

The fire broke out early in the morning on March 6. Until March 8 hope was held that the 21 trapped miners would be found alive. But they were all found dead on that date after a two-and-a-half day search, apparently victims of suffocation. The dead were discovered on the sixth and seventh descents into the mine. The bodies were in two groups, 16 in one location and five in another.

The rescue and recovery operation was a laborious task described by Westfield as a "very difficult job." The rescue workers, all of whom were from the coal mining industry, had to make a special bucket to enter the mine which had only one vertical shaft. It took more than a half-hour to get into the mine and another half-hour to leave it on each recovery mission.

Westfield said that the major part of the support in the shaft had been burned out by the fire which necessitated the homemade bucket-elevator. The shaft itself was divided into two parts by a curtain wall. One side of the wall contained the return air passage and two hoisting skips. The other side carried intake air and one material skip and one man skip. All skips fell to the bottom of the shaft when their ropes burned through.

One fact that should be pointed out was the discovery by rescue workers of a diesel running, putting out carbon monoxide for more than two days after the fire started. This is one of many reasons the UMWA has historically opposed any introduction of diesel equipment into underground coal mines.

The non-union mine is located on Belle Isle, an island in the swampy bayou country of southeastern Louisiana. The nearest houses to Belle Isle are at a little hamlet called Calumet which does not appear on any map the Journal has access to. It is 13 miles from the mine. The closest city shown on the map to it is Morgan City, La., which sent its fire department to the mine when the fire was first reported.

The fact that the mine was on an island measurably increased the difficulty of the mine rescue workers. Westfield said the teams were usually transported to the mine by boat, but that at times helicopters and small airplanes were used.

Salt mines do not come under Federal regulation and until the Louisiana tragedy the industry's safety record had been good. According to U.S. Bureau of Mines records the last fatal salt mine fire—which took six lives—occurred in Louisiana in 1920.

However, the Bureau also revealed that the Belle Isle Mine had been inspected at the company's own request by A. M. Evans, mining engineer from the Bureau's Dallas office. His inspection was described by a Bureau spokesman as an "observation walkthrough." The Bureau had recommended to Cargill—recommendations without force of law—that the mine sink a second shaft as an escape route and for ventilation, and also to install various fire controls.

A spokesman for the company told the Journal that Evans had made 14 recommendations, 12 of which Cargill has already complied with. One of the others, which would have installed extensive fire control measures, had been budgeted for this year and the material already purchased. However, no actual work had been done nor had a second shaft been started.

Roof supports in salt mines and also shaft braces "have always been made of wood" because metal structures are quickly corroded by salt, according to a spokesman for Winston Brothers Co., the engineering concern that built many of the deep salt mines on the Louisiana coast including the Cargill Mine.

Westfield told the Journal that he would conduct an informal hearing into the causes of the disaster beginning March 19. Purpose would be to ascertain the cause of the fire and to write a report that would help the industry to prevent similar tragedies in the future.

Minnesota Leads in Number of Farmer Cooperatives and Number of Memberships

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. MONDALE. Mr. President, a recent report from the Farmer Cooperative Service of the U.S. Department of Agriculture shows that my State of Minnesota is still leading all other States in the Nation in the number of farmer cooperatives and in number of memberships.

Co-ops headquartered in Minnesota are doing a total net business of more than $1 billion a year, which puts them second only to California in volume of business. That amount includes regional business by farmers in other States. Conversely, it does not include business which Minnesota farmers do with regional cooperatives headquartered in other States.

This billion-dollar figure is only one measure of cooperative activity in Minnesota.

Another measure is in terms of human endeavor. For these cooperatives represent the combined achievement of farmers working together through some 1,000 cooperatives to market their products, buy supplies, and provide other services for themselves.

All these co-ops have boards of directors which plan and guide operations of the cooperatives on behalf of the farmers they represent. These men are helping the farmer-member in Minnesota hold his own in a period of price squeeze which results from rising production costs.

Minnesota farmers have, however, made some inroads against the price squeeze. They, as the record shows, are the Nation's most active farmers in joining together to do all they can to improve their own conditions.

One cooperative provides a good example of the importance of farmer co-ops to the State's economy, Farmers Union Grain Terminal Association—GTA—headquartered at St. Paul. Its 1967 annual report points out that as a cooperative, GTA is owned—lock, stock, and barrel—by farmers. United this way, they say they stand ready to do grain business the world over—with brokers in Chicago and Cairo; with traders in Montreal and Tokyo; with shippers in New Orleans and Brussels; with mills in Buffalo and Minneapolis; with cooperatives in Rotterdam and Madrid.

This grain co-op owns over 200 line elevators across the United States, nine feed plants, and some of the Nation's largest and most efficient processing plants—including the largest soybean crushing plant, the largest flaxseed processing plant, and the largest malting barley plant. This growth in GTA's 30-year history stems from the continuing patronage of thousands of farmers.

About two-thirds of Minnesota's farm receipts are from sales of livestock and livestock products, and farmers market over $380 million worth of dairy products alone through their cooperatives.

All the dairy cooperatives supplying the Minneapolis-St. Paul market are jointly spending an estimated $315,000 this year to promote the sale of milk and dairy products in that market. This is a prime example of farmers joining together to exercise their own initiative in achieving results that no individual farmer could achieve on his own.

Among the dairy co-ops showing marked and continuing progress in Minnesota are Land O'Lakes in Minneapolis—a co-op whose sales increased $45 million in 1967—and the Twin City Milk Producers Association.

From the 50-year history of Twin City Milk Producers Association comes a story which parallels the struggles and progress of farmer cooperatives throughout Minnesota. This co-op has lived through disastrous prices, fought battles for clean and safe milk, and built plants to make profitable use of all milk left over after meeting needs for drinking. It helped the truck supersede the sleigh. In one sweep it installed farm tanks and abolished the milk can. It brought milk to consumers despite blizzards, droughts, floods, and tornadoes. Through their co-op, dairy farmers achieved better prices than they could ever have achieved as individuals.

With more than 1,000 farmer co-ops in Minnesota, I will not attempt to describe all the types of services they render—but I would be remiss in my account of co-op activities if I did not include farm supply services like those provided by Midland Cooperatives of Minneapolis and Farmers Union Central Exchange of St. Paul. The Central Exchange, for example, made available to members an additional benefit of more than $10 million, and the local co-op members also made added cash savings available to farmer members.

The cash receipts of Minnesota farmers reached $1.9 billion last year, and that kind of production takes a sizable amount of supplies and equipment. Minnesota farmers bought over $190 million worth through their own cooperatives.

The most impressive consideration in the billion-dollar farmer cooperative activity in Minnesota, however, is the dedicated drive of the several thousand farmers serving on co-op boards of directors. It is they who have earned our admiration for the service they are performing for their communities and their neighbors.

Appraisal of Current Trends in Business and Finance

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. CURTIS. Mr. Speaker, an article in the Wall Street Journal of March 25 points out the rapidly growing rate of spending in the public sector. Last year Government expenditures were 22 percent of the gross national product, whereas in 1950 Government expenditures were 13 percent.

We should undoubtedly question the economic significance of this development and also ask ourselves when does the growth of the public sector impede growth in the private sector.

I ask unanimous consent that the March 25 article in the Wall Street Journal be placed in the RECORD at this point:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

(By John O'Riley)

Twenty-two of every hundred dollars spent in this country last year were spent by Federal, state or local government. As recently as 1950, the ratio was only thirteen out of every hundred. And thereby hangs a tale of momentous change in modern capitalist society. The public share of the spending grows larger, the private share relatively smaller. Some rejoice in the trend. Some lament it. The objective observer, leaving the "good or bad" debate to others, can hardly escape the conclusion that the outlook holds more of the same. Maybe a lot more.

Total government spending last year topped $176 billion. American readers, big-figure groggy, race across such numbers without pause. But a yardstick or two puts that $176 billion in perspective. It's nearly four times the $47 billion of 1967 net profit earned by all the nation's corporations combined. It's nearly eight times the $22.8 billion paid out in dividends. It's almost twelve times the $14.9 billion net income of all U.S. farms.

The table below relates government spending to spending of all kinds (gross national product), using 1929 for far-back perspective and picking up with 1950 for the post-World War II trend. Dollar figures in the first two columns are billions.

Year	GNP	Government spending	Government percent of GNP
1929	$103	$8.5	8
1950	284	37.9	13
1955	398	74.2	19
1960	503	99.6	20
1967	785	176.3	22

A big item in today's public outlays, of course, is defense spending. But, through hot and cold war, the nation has been spending heavily on defense since the start of World War II. A trend that persists through a third of a century is not transient. It's a way of life. It's not likely to go away soon.

Vietnam has bulged these outlays. And the passing of Vietnam would trim them. But the cost of that conflict is still the lesser part of a big picture. Defense spending budgeted at around $76 billion this year would still be some $52 billion—even without Vietnam.

Nobody knows when, if ever, the costly global defense apparatus can be appreciably pared. Nobody knows what unforeseen Vietnams are waiting in the yet unturned pages of tomorrow's chronicles. But realists don't bet heavily on escape from the military burden.

Thus there's the prospect that any expansion in non-defense public spending will be simply superimposed atop today's aggregate outlays. And, despite Vietnam, it is in this nonmilitary area that the money flow from public coffers has grown most in recent years.

Here's how defense spending and all public

non-defense spending have increased since 1960, and since 1955, compared with growth in the overall economy (GNP) over the same years.

[In percent]

	Up since 1960	Up since 1955
Gross national product	56	97
Defense spending	61	88
Nondefense public spending	90	191

Much is happening at the local level. Public employes on state and local government payrolls have increased more than 50% just since 1960. That's more than three times the 14% increase in total civilian employment over the same period.

This is not to say these are make-work jobs. The people are doing things—teaching school kids, policing streets, collecting garbage, and so on. Their larger numbers reflect a larger demand for public services. But they have to be paid.

Nor is the growing number of these public employes the whole story. They are demanding fatter paychecks. And getting them. Strikes and threats of strikes by schoolteachers grow more commonplace all the time.

Organized effort to get more pay for public workers calls to mind the big gains scored by industrial workers in recent decades. Since industrial workers make things the public buys, and since government workers provide services the public must pay for through taxes, is there a valid comparison here? Can the public expect a comparable cost-impact on its pocketbook?

Not exactly. There is a difference. Much of the higher labor costs encountered by manufacturers has been counteracted by better plant machinery, more automation, more efficient production methods in general. Far more than is generally realized, prices on consumer goods have been held in check while individual worker paychecks have climbed. (Consumer durable goods prices today are only 6% above the level of ten years ago.) The potential for this brake on ultimate costs is almost wholly absent where service workers are concerned. If fatter public payroll costs lie ahead, as they evidently do, they will be passed largely intact to the ultimate payer—the taxpayer.

The more-public-spending outlook, of course, extends well beyond the mere prospect of more teachers and policemen. The nation's problem of what to do about the big city ghettos, and the people who inhabit them, is a massive one. Nobody knows just how it is to be solved. But one thing seems clear: Whatever the solution, there is going to be a lot of public money involved.

The rising river of public expenditure, of course, winds up in private hands. The great government spending contracts go to private firms—and their employes. People on government payrolls spend their money to buy goods and services supplied by private producers.

The maker of building materials, and the people on his payroll, get their money just the same whether his wares go into construction of a private building or a public one.

The auto dealer doesn't care whether his customer is a private office clerk or a public schoolteacher.

Still, things are not the same. Buying power starting out in an individual's hands can be spent either (1) as the individual chooses or (2) as society as a whole chooses—through taxes. And right now the pendulum swings toward choice-by-society. With public expenditure now 22% of the whole, will be future see it go to 25%? Or 30%? Or more?

Oil Imports

HON. WILLIAM PROXMIRE

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. PROXMIRE. Mr. President, I ask unanimous consent that an article from the Wichita Eagle be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANALYSIS: PROXMIRE DIGS INTO IMPORTS

WASHINGTON.—A Wisconsin Democrat is bringing about much soul searching among domestic oil producers and processors who have always considered him as a traditional enemy of the industry.

According to one industry spokesman, Senator Proxmire has accomplished more in the interests of small domestic producers and refiners during the past two weeks than all of their own congressmen and various association officials have been able to dredge up in 10 years.

In blowing the whistle on the Standard Oil Co. (Ind.) petrochemical import allocation, Proxmire neatly excised 7,000 barrels daily from the mounting oil import flood.

In the words of one independent refiner, he did this by simply "exposing an import allocation mess so big that there is nothing left to do but start over again."

Proxmire has put out the word that he isn't through wtih the oil import problem.

"We have a hunch that a lot of inputs that were allowed as a basis for quotas last year and were disallowed this year, shouldn't have been allowed in the first place," a Proxmire staff man said.

He said that Proxmire would insist upon a revisal of the 1967–68 quotas, if this turns out to be true. It is thought possible that the General Accounting Office may make field checks to see if input figures certified on import applications are correct.

Secretary Udall, who revoked the Standard petrochemical quota on the basis of being "late," defended the Interior Oil Import Administration with the plea that the staff was not large enough to verify plant inputs claimed.

Proxmire agreed with this and told Udall he would press to have the current request for more funds approved.

Meanwhile, Proxmire's office has become an unofficial clearing house for complaints about the allocation system.

Proxmire's digging, industry observers say, has had the effect of cutting through political lines and putting each importing company and industry segment on record according to its private interest.

Since Proxmire has the label of a Democrat and a liberal, this has proved embarrassing to some who are beneficiaries of his spirited probe into the interior of Secretary Udall.

The reaction of independent producers cannot be gauged by the response of their associations. Their officials are silent in the face of an achievement in which they had no share. Individually, the producers are wishing more power to their erstwhile detractor.

Inland refiners, whose political affiliations are more astute, are said to be heartily in favor of Proxmire's exposure of the OIA's allocation hodgepodge.

They are joined by similarly aligned majors and some petrochemical companies who have failed to get allocations because they interpreted the rules literally or who, not expecting allocations, are nonetheless miffed to see rivals get them in a manner they believe unfair.

No one is under the illusion that Proxmire is "for" any particular segment of the oil industry as such, but as a perennial champion of small business he now stands squarely across the path of the large oil and petrochemical companies that have stretched the import program to a breaking point.

Need for Fiscal Action

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. CURTIS. Mr. Speaker, the March issue of the Morgan Guaranty Survey questions the willingness of the United States to manage its economic and financial affairs prudently.

The article begins by pointing out that some stabilizing factors have entered the international financial equation in the past month. The termination of the gold pool's selling to private interests means that official gold reserves will not fall below present levels. And, the new British budget of March 19 shows that the British Government recognizes the severity of its problems and is moving vigorously to damp demand and to achieve a balance-of-payments surplus.

But there is no like assurance in the United States. The continued inaction on responsible fiscal action could lead to another boilup of unrest that could end disastrously. In the absence of fiscal action, monetary policy has had to move toward restraint. The discount rate has been increased twice in the past 4 months, reserve requirements have been increased and the reserve position of the banking system has moved from net free reserves to a net borrowed position.

Although the Federal Reserve is moving in the right direction, it is straining itself to a breaking point and even this is insufficient by a large degree in getting the job done. This article points out the need for responsible fiscal action by the Federal Government:

BUSINESS AND FINANCIAL CONDITIONS

The hectic events of the past month appear to have left most people with a healthy appreciation that caution in judgment and analysis has never been more appropriate. Basic conditions are still far from settled, and it may well be a long while before a true reading can be taken on the shocks and tremors that have reverberated through world financial markets or on the policy responses they have evoked. This is not to deny the emergence from the tumult and near chaos of some important pluses—highlighted by the very dramatic fiscal tightening which the British effected on March 19 and by the decision of the gold-pool nations to abandon their costly operations in feeding private gold appetites. But these pluses must be set against a number of significant residual uncertainties, of which the most important by far is the continuing issue of whether the government of the United States is really going to muster the will to manage this country's economic and financial affairs prudently.

In retrospect, perhaps the most remarkable thing about the gold-pool operations is that

they ever were undertaken in the first place and that once begun they lasted so long. Trying to peg the price of gold in private markets—thus freeing speculators from capital risk—has always been a doubtful business, as noted, for instance, in the November 1960 and December 1960 issues of this publication. Some gold-pool members themselves had serious reservations about what they were doing almost from the very beginning. The Bank of Italy, for example, in its 1962 annual report observed that "it is an astonishingly illogical situation if, on the one hand, the central banks of the Federal Reserve System in particular do the best they can to limit conversions of dollars into gold, and if, on the other hand, their direct or indirect operations on the London gold market give practically limitless satisfaction to all the so-called nonlegitimate demand for gold."

The termination of the gold-pool arrangements is thus anything but a mere stratagem. Rather, it ends what clearly should be regarded as an aberration in gold policy and restores "free" markets to the unrigged status they held from the end of World War II until late 1961.

Since the former gold-pool nations[1] have agreed that they will not sell gold to other monetary authorities in any instance where a would-be buyer is known to be a participant in private markets, and since no monetary authority will have much financial incentive to sell gold to private parties if the amount sold cannot be replenished, the new arrangements—as is their objective—should assure that the amount of gold held collectively in official stocks will not fall below present levels. This assumes no significant volume of surreptitious sales, but this would seem a reasonable assumption if for no other reason than the fact that IMF members are under obligation to submit reports regularly on the composition of their reserves. With a conservation of present monetary gold stocks (in place of the pattern of significant erosion that has been in progress), the danger will sharply diminish that international liquidity will be inadequate at any time from now until the Special Drawing Rights that were agreed to in principle at Rio de Janeiro last autumn become available as a supplementary form of reserves. Whether the amount of gold in official stocks will rise above present levels is not yet clear. The former gold-pool nations have indicated that "they no longer feel it necessary to buy gold from the market," and in effect the IMF has urged all members to stay out of private markets. The chief uncertainty in trying to judge whether official stocks are likely to increase relates to the policies of gold-producing nations. It is anticipated that at least some of them may choose to funnel their newly mined output into the private markets, and it may well be that these markets will have a continuing capacity to absorb all such gold at a price of $35 an ounce or higher. But even if that is so, the outcome would still be better from an official standpoint than it has been recently when private markets have absorbed not only current output but a good deal more.

This move in the direction of conserving existing stocks of officially held gold is thus extremely important. It is true that it does nothing in and of itself to change the fundamentals of international payments disequilibrium. But it does provide an improved environment for getting on with the business of attacking the basic causes of monetary disturbances, simply because it ends the tunneling that was in progress beneath the structure of the world monetary system.

[1] Belgium, Germany, Italy, the Netherlands, Switzerland, the United Kingdom, and the United States.

THE ADDITIONAL NECESSITIES

With the end of the gold pool, the crucial question immediately became whether effective follow-through actions would be taken to shore up both the pound and the dollar, whose individual weaknesses have progressively tended to accent one another. In the case of the pound, the new British budget that was presented on March 19 speaks rather emphatically. It indicates that British authorities unmistakably have perceived the imperatives of the situation and are moving in the direction of an appropriate general policy stance. Although the expenditure side of the new budget is not as tight as it conceivably might have been, the degree of restraint imposed on the private sector of the economy (assuming realization of official estimates) is significantly larger than had commonly been anticipated. Coupled with the proposed stiffening of British incomes policy, the new budget conveys a sense of determination with regard to the avoidance of excessive demand and the achievement of balance-of-payments surplus.

But while the British budget appears to represent a very constructive contribution to the restoration of order in the international monetary system, there still can be no definite assurance that a comparable firming-up of U.S. policy will materialize. And the blunt truth is that if U.S. fiscal responsibility does not emerge soon, this country will be running the risk of another boil-up of unrest that could end disastrously. The United States and other countries must count themselves extremely lucky that so far trade and business activity have been largely untouched by monetary turmoil, but with the history of the painful chain of events of the 1930's available as an object lesson, it is nothing short of incredible that those in positions of responsibility and authority seem willing to chance an extension of this element of luck.

Admittedly, there are some hints that President Johnson's offer to accept cuts in previously requested appropriations by an amount that would pare $4 billion to $5 billion from fiscal 1969 spending may end the eight-month old impasse between the Administration and Congress over the proposed 10% surtax. But these signs are not tangible or specific enough as yet to justify an unqualified inference that higher taxes will in fact be voted soon in the full amount requested by the President. And, significantly, 10% more in personal and corporate taxes—even assuming $4 billion to $5 billion of expenditure retrenchment—is beginning to look less and less impressive, particularly in view of the virtual certainty that at least "moderate" additional increases will be made in U.S. troop strength in Viet Nam. Depending on how things develop over the next several months, a midyear reassessment could very well point to the necessity of still greater fiscal restraint than is now being considered. This is especially likely to be so if at that point statistical indicators of total economic activity are performing as strongly as they have been recently, if price pressures are still pronounced, and if aggregate unemployment remains as low as it now is.

Meanwhile, the shift of monetary policy toward restraint has become unmistakable. In less than a four-month interval, the discount rate has been increased twice, reserve requirements have been increased, and the reserve position of the banking system has moved from net free reserves in the $200-million range to net borrowed reserves of more than $300 million. These moves have been accompanied by a lessened rate of expansion in the whole family of measures of credit and money. As one example, the money supply expanded at an annual rate of less than 3½% from November through February, compared with a rate of increase of almost 8% in the preceding eight months. Reflecting these developments, short-term interest rates generally are approaching the levels that triggered the massive shift of funds out of savings institutions to market investment in 1966.

While one might have hoped for an even more dramatic shift to monetary stringency on purely balance-of-payments grounds—and some sharp criticism was in fact directed at the March 14 half-point discount-rate increase as too small—a strong case can be made in defense of what actually has been done. Monetary policy simply cannot move aggressively ahead of fiscal policy without running serious risks of self-defeat. The specific risk in the current environment, of course, is that a highly dramatic monetary move would generate perverse effects in domestic financial markets that would far outweigh any marginal contribution it might make to international confidence in the dollar. The really important thing is that Federal Reserve policy is now moving in an orderly and systematic way to the posture that seems appropriate in view of the array of problems the nation faces. Significantly, expressions of determination on the part of Federal Reserve officials to move farther and farther along the path they have started down are not met with the same skepticism in either U.S. or world markets that is applied to vocalizations of fiscal responsibility. Because of this, monetary tightening of the kind now occurring probably is almost as effective as more precipitate, more dramatic action would be.

Nebraska State Society Honors Arjay Miller

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. HRUSKA. Mr. President, each year the Nebraska State Society of Washington awards its Distinguished Nebraskan Award to a native son who has made a lasting and significant contribution to our State and to the Nation by his leadership in his profession.

This year the society's board of governors, with Mr. Paul F. Wagner as its president, voted unanimously to present the award to Mr. Arjay Miller, vice chairman of the board of the Ford Motor Co.

It was my privilege to make the presentation on behalf of the Nebraska Society.

In his remarks of acceptance, Mr. Miller paid special tribute to his native State and its people:

In meeting this problem and in meeting the many other national and international problems which I don't need to detail here in Washington where they all start from, pass through, on end up—it seems to me that Nebraskans have a great deal to offer. If Nebraskans have a special orientation toward success—and once again I refer to my listeners as Exhibit A—there must be some good reason.

I think it is because Nebraska is a place where you can stay right side up in a world that is spinning so fast many of us are in danger of losing our sense of balance. Nebraska is a place that is still close enough to the soil that you can keep your feet on the ground. Those are the qualities that are urgently needed in these times, and if I know

my Nebraskans, their best efforts will be forthcoming.

Mr. President, I ask unanimous consent to have printed in the RECORD my remarks on behalf of the Nebraska State Society in presenting the 1968 Distinguished Nebraskan Award to Mr. Arjay Miller, together with his eloquent response.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

PRESENTATION OF DISTINGUISHED NEBRASKAN AWARD BY SENATOR HRUSKA

Mine is an especially pleasant assignment tonight in presenting the Sixth Annual Distinguished Nebraskan Award to Mr. Arjay Miller.

The man we salute this evening is indeed a distinguished Nebraskan, fully qualified to join his predecessors who have earned this tribute of the Nebraska State Society.

While the Distinguished Nebraskan Award may lack the ivy-covered tradition of many years, its recipients have brought to it a luster that more than compensates for its lack of age.

It was my privilege to serve as a member of the Society's Board of Governors in 1962 or '63 when Jim Barrett was our president and it was he who first suggested the Distinguished Nebraskan Award.

Our first honoree was Clair Roddewig, the president of the Association of Western Railways. The following year we paid tribute to a great humanitarian, Archbishop Gerald Bergan of Omaha. In 1965, we saluted two Nebraskans who had made their mark in the field of athletics, Bob Devaney, the winningest coach in college football, and Bob Gibson, the ace pitcher of the St. Louis Cardinals. Then the honor went to a great American soldier, our own General Al Gruenther and last year, the Board voted its award to V. J. Skutt, the able and talented president of Mutual of Omaha.

Our general theme has been to alternate the awards between those Nebraskans who by their distinguished careers have brought honor to our state outside its borders and those whose success has come within Nebraska.

So it was that this year the Board canvassed the field of a number of Nebraskans who, by their achievements outside the state, best exemplified those qualities which Nebraskans so highly prize, self-reliance, the overcoming of early disadvantages, and a deep sense of responsibility toward a social system which makes success and accomplishment an attainable goal for all.

And the Board voted unanimously that this year's award should go to Arjay Miller.

As you know from reading his biography in your programs, Mr. Miller has been similarly honored many times, especially by the academic community, including, Chancellor Hardin, the University of Nebraska.

Mr. Miller, when Paul Wagner asked me to undertake the assignment of presenting this award to you tonight, he gave me a copy of your biography. And it was most helpful, although as a reader of *Time Magazine* and *Fortune* and the *Wall Street Journal*, I was, of course, already familiar with your splendid career.

But none of this material filled what I considered a gap in the information I needed and that gap concerned what kind of youngster you had been back in Shelby, Nebraska.

Well, it happened that my schedule called for me to be in Nebraska last weekend where I helped to dedicate an impressive new manufacturing plant in Neligh, and then went on up to O'Neill, the Irish capital of our state, to ride in the St. Patrick's Day parade. I don't mind telling you the Czechs in Wilber and Clarkson would have been mighty surprised to know that the sign on the side of my convertible identified me as Roman *O'*Hruska.

But while I was in Nebraska I made some inquiries about your life there before you left to attend college at the University of California at Los Angeles.

And what I found did not surprise me very much. Mr. Miller's family were farmers living two miles east of Shelby. Indeed, his brother, Ogal, still manages the family farms and every so often Mr. Miller takes a sentimental journey back to Polk County to visit the old home place.

The folks around Shelby remember him as a quiet, studious and very industrious young man who took his schoolwork very seriously. He was the valedictorian of his high school graduating class in 1932. His days as a youngster began as they do on any farm with early-morning chores and ended with homework at the kitchen table and early bedtime because the next day began again with those early morning chores.

I suppose that today's youngsters might find that kind of life a bit dull. Indeed, Mr. Miller, I understand that when you were in high school you didn't even have a Mustang!

Perhaps you have wondered about that name, "Arjay." It is a combination of his father's initials. He was the youngest of eight children of Rawley John and Mary Gertrude Miller.

He lived on the farm until he was seven, when his father retired and moved into Shelby. Arjay, however, retained an intimate acquaintance with agriculture by helping his brother who took over the farm and, as I mentioned, is still a Shelby resident, along with Arjay's niece, Mrs. Robert Rafert and a number of his cousins. His mother, now 90 years old and living in Los Angeles, still owns the farm.

As a result of my research, I can tell you that the people of Shelby are understandably proud of you, as all Nebraskans are. But I also discovered that you have to share their pride.

It was pointed out to me that out of a population of 700, the little town of Shelby has produced not only an Arjay Miller but a John Dunning, the world-renowned nuclear physicist and a Terence Duren, one of the country's outstanding artists, and a Sam Yorty, the mayor of Los Angeles.

After Arjay graduated from Shelby High School—with a 96.7 average and particular aptitudes for Latin, geometry and history—the family moved to Long Beach, California, where he enrolled at Long Beach Junior College and then went to the University of California at Los Angeles to study banking and finance. He graduated from UCLA in 1937 with highest honors and did some teaching there as a graduate student. Another teaching assistant at the campus was the former Frances Fearing, now Mrs. Arjay Miller.

Perhaps to compensate for their absence from the classroom, the Millers have chosen to make their home in an academic community. They live with their two children, Kenneth and Ann, in Ann Arbor, Michigan, about 37 miles from Ford headquarters in Dearborn and the seat of the University of Michigan.

If World War II hadn't interfered, Mr. Miller might have become a college professor. At the time, he was studying for a doctorate at the University of California at Berkeley and nearly had it made.

In the Army Air Force, he moved up from private to corporal, and then was tapped for officer candidate school. After getting his commission, he was enrolled in the Air Force's statistical school at Harvard, where he fell in with a group of young officers who were to have a revolutionary influence on the Army's air arm and—eventually—on Ford Motor Company.

When this group joined the Office of Statistical Control, the Air Force's right arm was unlikely to know what its left foot was doing. The group built up an office which made every useful fact about planes and their use available practically on demand.

When peace came, ten young officers in the group decided to band together and try to sell their skills as a package. They were sure the techniques they had developed for the Air Force would be valuable to business and, somewhat brashly, these so-called "whiz kids" sent a wire to Henry Ford II proposing to discuss with him a matter "of management importance."

Mr. Ford, who was of the same age group as the young officers, had recently taken over the reins of Ford Motor Company from his grandfather and was looking for talent to help him rebuild the company. He told the ten young officers to come to Dearborn and, after listening to their pitch, hired them as a package. It turned out to be a bargain for Ford, eventually providing the company with six vice presidents of whom two—Mr. Miller and former Defense Secretary Robert S. McNamara—also have served as president.

While Mr. Miller was still rising in the executive ranks of Ford, one of his colleagues is reported to have told a newcomer:

"If you ever get a chance to sit in on a bull session with Arjay, don't miss it. The way that guy is organized you can learn more from him in an hour about what makes Ford tick than you could get in a month of research anywhere else."

A few years later, Henry Ford II had this to say about the Nebraskan who had by then become president of the Company:

"Arjay Miller knows more about more things than almost any man I know. He is insatiably curious about anything that catches his interest, and that is likely to be anything at all. When he digs into a new problem, he doesn't stop until he knows as much about it as the people whose specialty it is."

With this grasp of business and any social or economic condition that affects it, Mr. Miller now is vice chairman of the Board at Ford Motor Company, the world's second largest industrial corporation, and a leading spokesman for the industrial community.

Mr. Miller, it gives me great pleasure, on behalf of the Nebraska Society of Washington to present to you this plaque, symbolic of your selection as the recipient of the Sixth Annual Distinguished Nebraskan Award.

With it goes my congratulations and those of all of us here. You do us great honor by coming here tonight to accept.

REMARKS OF ARJAY MILLER, NEBRASKA SOCIETY BANQUET, WASHINGTON, D.C., MARCH 20, 1968

Thank you, Senator Hruska. I appreciate your kind remarks and the high honor the Nebraska Society has accorded me.

Actually, this award puts me on something of a spot—but let me add quickly that it is the most pleasant spot this side of Nebraska. My problem is in accepting such a heady tribute with the modesty and the unassuming air that is characteristic of a true Cornhusker. If my personal pride shows through too clearly, perhaps it is because I have been away from Nebraska's wholesome influence for awhile . . . or perhaps it is simply because *I am* very proud to be selected as a Distinguished Nebraskan.

I have only to look around this room to appreciate what a standard of recognition your award represents. At the same time, however, the excellent company I am keeping tonight is a very healthy thing for that modesty of mine which you have placed in such jeopardy. I can see how far I am from being the *Most* Distinguished Nebraskan.

Grateful as I am to this group, I am even more grateful to that other and larger Ne-

braskan society in which I spent my boyhood around Shelby. As I have said on other occasions, I believe growing up in a Nebraska farming community has been of immeasurable value to me in my business career. For one thing, it gave me an early and lasting appreciation of the free enterprise system. To a farm boy, there is nothing theoretical about simple economic principles like the direct relationship between effort and reward, or supply and market prices. He doesn't need an economist to teach him that productivity is the source of all wealth.

I don't mean to preach the virtues of the simple life. In Nebraska as elsewhere, life today must be lived within a framework of increasing industrialization, urbanization, sophistication and complexity. But what I do say is that the advantages most of us receive from a Nebraska background come so naturally that we often take them for granted. We may not appreciate what an edge we have been given until we begin to delve into the problems of people who have been thrust into less favorable environments—those restive millions who, through prejudice, lack of opportunity, lack of encouragement or their own lack of work skills, have never known anything but poverty. We shouldn't be surprised if their view of the world seems upside-down to us.

As you may know, at Ford's operations in the Detroit area, we are engaged in an experiment aimed at putting several thousand of these people on their feet. We have sent recruiters into the hard-core unemployment areas of Detroit's inner city—the scene of last summer's holocaust—to hire workers on the spot with a minimum of red tape. We have suspended the written tests we used to require all applicants to take and criminal records are not necessarily grounds for rejection. Essentially, all we are interested in is whether the applicants are willing and physically able to do the jobs we have available.

We started this program last October 30 when the strike was drawing to a close and we were anticipating a large number of unskilled job openings in our plants, largely as the result of workers finding jobs elsewhere during the long shutdown. The first interesting development was that the morning after the announcement of the program, our job centers were swamped with applicants—people who wanted to work but had been either too discouraged or too awed to apply through our normal employment channels and run the course of our normal employment procedures.

As of late February, we had interviewed more than 4,000 of these inner city residents and hired nearly 3,000 of them. Interesting development Number Two is that we have had a higher retention rate among these former hard core unemployed than we have had among our other new employes hired through our plant employment offices during that same period. And the third interesting development is that the hardnosed foremen who supervise these "disadvantaged" persons report that they are, on the whole, good workers. To be more exact, of those workers who were still with us in February, more than a third were rated above average and less than a fifth below average.

This is still a young experiment, of course, and it is too early to attempt final judgments on its success. But the results so far are highly encouraging and would certainly seem to indicate that the hard-core unemployed are neither unemployable nor unemployed by personal preference. They just lack the advantages the rest of us have been fortunate enough to enjoy.

Although last fall's strike created an unusual job situation to which we could apply this program, the few thousand disadvantaged persons Ford can put to work are barely a drop in the bucket, of course. The National Alliance of Businessmen, which Henry Ford II is heading up, has an assigned target of placing 100,000 hard-core unemployed in productive jobs in business and industry by July 1969, and 500,000 by the summer of 1971. In addition, the Alliance is seeking to find 200,000 meaningful jobs for disadvantaged young people this summer.

Even those goals are dwarfed by the recommendations of the President's National Advisory Commission on Civil Disorders. As you will recall, its recent report saw the need for two million new jobs over the next three years, half in the public and half in the private sector.

Whatever figures we use, it is obvious that we—government, business and everyone else—have a huge and challenging task ahead if we are to obliterate poverty and I, for one, am convinced that this is the most basic of all our social problems, including the racial crisis with which poverty is so strongly interwoven.

In meeting this problem—and in meeting the many other national and international problems which I don't need to detail here in Washington where they all start from, pass through or end up at—it seems to me that Nebraskans have a great deal to offer. If Nebraskans have a special orientation toward success—and once again I refer to my listeners as Exhibit A—there must be some good reason.

I think it is because Nebraska is a place where you can stay right side up in a world that is spinning so fast many of us are in danger of losing our sense of balance. Nebraska is a place that is still close enough to the soil that you can keep your feet on the ground. Those are qualities that are urgently needed in this country in these times, and if I know my Nebraskans, their best efforts will be forthcoming.

Thank you again for a memorable evening.

Philadelphia Board of Rabbis Ask Presidential Action in Middle East

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. EILBERG. Mr. Speaker, the Middle East situation is of concern to all of us in the Congress as the cauldron of terrorism and counterattack boils ominously, threatening to throw off sparks which could cause world war III.

Similar to a number of my colleagues and a vast number of concerned Americans, I found the action taken in the United Nations recently disappointing to say the least and quite likely to contribute to continued tensions and incidents.

Inasmuch as this is a problem with which the Congress must deal, I would like to share with my colleagues the views of the Board of Rabbis of my native city of Philadelphia, expressed in a letter to the President of the United States. Therefore, at this point, I would like to insert in the RECORD the following letter:

MARCH 26, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the Board of Rabbis of Greater Philadelphia, comprising the religious leaders of this community of 330,000 Jews, express our grievous disappointment in the United Nations Security Council resolution which condemned the military action of Israel on the territory of Jordan and only "deplored all violent incidents in violation of the cease-fire" without even mentioning the key word "Arab."

To condemn the government of a nation which has acted out of the sheer necessity of self-defense, and only to slap the wrist of those who perpetrated murder on innocent civilians including children, is not an act of statesmanship or of justice. We fear it is not even a faltering step towards peace in the Middle East.

The resolution will not annul the moral responsibility of Israel to defend the lives of its citizens. Its condemnations of Israel will in fact encourage further terrorist attacks by El Fatah. If these assaults are repeated against a state and people which have declared time and again that they desire only peace with the Arabs, they must inevitably provoke from Israel further reprisals.

We are aware that the United States led in the effort to so word the resolution as to elicit unanimous support for it. But the price paid for unanimity may well have been too high and the results for peace may be nil or only minimal. The difference in emphasis between the "condemnation" of Israel on the one hand, and the mere "deploring" of anonymous terrorist acts of violence on the other, will not be lost upon the Arab states and the murderous gangs they unashamedly aid and abet.

Knowing full well the encouragement given to Israel by every administration of our country in the past, and recognizing your own administration's declared policy in support of Israel's integrity, we must still declare with sadness that those peoples which seek peace with justice, and especially those small nations like Israel which have a right to life, liberty and a chance for happiness, will find little that is constructive in the Security Council's Resolution. Evidence of this fact is the gravity, if not gloom, it has created among the democratic states, and the elation and gratification which it has aroused among Soviet Russia and its satellites in the Middle-East.

We would hope that our country, even if alone, would raise her voice in horror against the outrages of the Arab terrorists. For the first step to peace in the Middle East is the cessation of these outrages and world opinion should be galvanized and directed to this end.

It is our conviction that all people of goodwill in our country share these opinions. They are proffered in the tradition of American freedom of expression, and in the endeavor to influence for righteousness and peace, the awesome power and responsibility which God has placed in your hands.

Be assured, Mr. President, of our prayers that the Almighty guide you and your advisors in your pursuit of peace throughout the world.

Respectfully yours,

Rabbi HAROLD B. WAINTRUP,
President.

Rabbi REUBEN J. MAGIL,
Chairman, World Jewish Affairs Committee.

Study of Selective Service Act of 1967 by Legislative Reference Service, Library of Congress

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, April 3, 1968

Mr. TOWER. Mr. President, the Legislative Reference Service of the Library of Congress has prepared in its usual efficient and objective fashion a thorough study of the Selective Service Act of 1967

detailing the act's basic provisions and implementation.

As a member of the Committee on Armed Services, which worked for many months on the basic legislation, and as one who travels throughout the Nation speaking particularly to student audiences, I am acutely aware of the desire of many Americans to have available a thoughtful but thorough analysis of draft provisions. I know, too, that this is a national student debate topic.

Therefore, I ask unanimous consent that the full LRS study, prepared by Mr. Albert C. Stillson, analyst in national defense of the LRS's Foreign Affairs Division, with the assistance of other LRS staffers, be printed in the Extensions of Remarks, so that it can be made widely available.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE MILITARY SELECTIVE SERVICE ACT OF 1967: ITS BASIC PROVISIONS AND IMPLEMENTATION, BY EXECUTIVE ORDER NO. 11360

(By Albert C. Stillson)

Part I of this report incorporates, with certain editorial changes, an earlier (June 28, 1967) Legislative Reference Service study, "The Military Selective Service Act of 1967: An Outline of its Provisions."

Part II indicates those changes in the Selective Service Regulations that were effected through Executive Order 11360. This order was issued by the President on June 30, 1967, the same day that the Military Selective Service Act of 1967 was signed into law. U.S. Selective Service Regulations appear in the *Code of Federal Regulations;* in the January 1, 1967, revision of the Code they ran to over 100 pages. Given the extent of the Selective Service Regulations and the fact that amendments of them effected after January 1, 1967, will be reflected in the 1968 revision of the Code, our purpose in Part II is not to duplicate the 1968 revision of Chapter XVI (Selective Service System) of Title 32 (National Defense) of the *Code of Federal Regulations,* but simply to provide a convenient way of gauging the initial impact of the Military Selective Service Act of 1967 on the Selective Service Regulations.

Thus defined, our purpose in Part II does not include (except as noted below) an indication of the several amendments to the Selective Service Regulations made in 1967 other than by Executive Order 11360. Up-to-date information concerning these Regulations can be obtained from Government documents (such as the Regulations themselves and Local Board Memoranda) that are on sale by the Superintendent of Public Documents (U.S. Government Printing Office, Washington, D.C. 20402) or that may be consulted in Government Depository Libraries as well as in many other libraries located throughout the United States. The *Monthly Catalog, U.S. Government Publications,* which cites and prices Government documents sold by the Superintendent of Documents and which carries from time to time a "List of Depository Libraries," circulates widely to all types of libraries in the United States.

PART I—THE MILITARY SELECTIVE SERVICE ACT OF 1967

A. Introduction

On June 20, 1967, Congress passed the Military Selective Service Act of 1967 and sent the legislation to the President, who signed it on June 30, 1967 (P.L. 90–4, 90th Congress). The basic purpose of this legislation (Senate bill 1432) was to extend and amend the draft act (the Universal Military Training and Service Act) and related laws (such as the Dependents Assistance Act of 1950). The background of the Universal Military Training and Service Act and the major features of the selective service system established under it have been summarized as follows by the Senate and House Armed Services Committees:

1. Legislative History of the Universal Military Training and Service Act

Public Law 51 of the 82d Congress, which amended the Selective Service Act of 1948 and changed its name to the Universal Military Training and Service Act, was enacted on June 19, 1951. Approved during the Korean war, this act was intended to raise immediately the manpower necessary to build and maintain an armed force of the size determined by the Joint Chiefs of Staff to be our minimum security requirement and to provide for the maintenance of an adequate force of trained Reserves for the future security of the United States. Under section 17(c) of the act, no person is to be inducted after July 1, 1967, except deferred persons whose liability continues after this date.

The Selective Service Act of 1948 was approved after the President reported that the Armed Forces had been unable by voluntary recruitment to maintain the active-duty strength required by a deterioration in the international situation. Despite extensive recruiting efforts, the Armed Forces at that time numbered 1,384,000—considerably below the desired strength of slightly more than 2 million, but still the largest voluntary force in the history of the Nation. In the first 6 months after enactment of the 1948 act the Armed Forces recruited 200,000 more men than were recruited in a similar period before the act was approved. Because of this stimulating effect on enlistments only 30,129 men had to be inducted between enactment and June 30, 1950.

2. Major Features of the Old Draft Law

Training and service.—In brief, the Universal Military Training and Service Act provides that all male persons in the United States must register with their local boards at age 18; that those between the ages of 18½ and 26 are liable for training and service in the Armed Forces; that they may not be rejected for physical or mental reasons if they meet minimum standards (the President may modify these standards except in time of war or national emergency declared by the Congress); that each person inducted shall be given full and adequate military training for no less than 4 months; and that no inductee shall be assigned to duty outside the United States, its territories, and possessions until he has the equivalent of at least 4 months of basic training. The period of service for persons inducted is 24 months except that the Secretary of Defense has authority to provide for their earlier discharge or transfer to the Reserve. A registrant may enlist in the Regular Army for 2 years instead of being inducted and within quotas established for their local boards registrants between the ages of 18 and 26 may volunteer for induction. (A person over the age of 17 may volunteer for induction with the written consent of his parent or guardian.) Section 651(a) of title 10, United States Code, the provisions of which were formerly contained in the Universal Military Training and Service Act, requires that persons entering the Armed Forces after August 9, 1955, must serve on active duty and in a Reserve component for 6 years.

Deferments and exemptions.—Deferments may be authorized by the President for persons in any category of industry, agriculture, or other employment, or whose activity in study, research, medical, dental, scientific, and some additional endeavors is found to be "necessary to the maintenance of the national health, safety, or interest." The President cannot, however, defer all persons in any particular category; deferments must be made on the basis of individual status. A deferred person remains liable for induction until he is 35 years old.

Deferments are also authorized for persons with children or with dependents (other than wives alone, except in cases of extreme hardship), for college students to permit them to complete an academic year when they have been ordered to report for induction during that year, and for high school students until their graduation, reaching age 20, or until they stop satisfactory study, whichever first occurs. Certain Federal and State officials may be deferred, as well as persons who join National Guard units before reaching the age of 18½ if they continue to participate satisfactorily. Persons enrolled in the senior division of the ROTC program are also eligible for deferment.

Exemptions (as contrasted to deferments) are authorized for members of the Armed Forces on active duty, cadets and midshipmen at service academies, students in officer procurement programs in military colleges approved by the Secretary of Defense, ministers and students of the ministry, sole surviving sons, and veterans (as defined in the law).

Selection.—As soon as practical after registration each registrant must be classified to determine his availability for induction. The classification process is the key to the induction process. Classification must be accomplished in the spirit of the act, which is that "In a free society the obligations and privileges of serving in the Armed Forces and the Reserve components thereof should be shared generally in accordance with a system of selection which is fair and just and which is consistent with the maintenance of an effective national economy."

After registering at 18, the registrant is not liable for induction until reaching the age 18½. The registrant may be eligible for deferment or exemption when classified and thus not be immediately available when he reaches the age of 18½.

The President is authorized to select and induct persons by age group or groups and to select and induct physicians and dentists. Under such authority persons who are classified as available for service are selected and inducted in the following sequence:

(1) Men declared delinquent for failure to comply with the selective service law who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

(2) Volunteers for induction who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(3) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who (a) do not have a wife with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first, or (b) have a wife whom they married after August 26, 1965, and with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first.

(4) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first.

(5) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

(6) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

In order to fill calls, local boards since December 1965 have been ordering for induction from the first four categories.

The calls of the Armed Forces are met by quotas established for each State, Territory, possession, and the District of Columbia on the basis of the number of men available for service in that particular State, Territory, possession or District of Columbia, with provisions for credit for registrants who are already members of the Armed Forces. Within States, Territories, possessions, and the District of Columbia the quotas are subdivided among the political subdivisions in accordance with the number of men available for service in each such subdivision. In practice, quotas are determined by applying a rejection rate, based on experience, against the number of men available for service in the age groups currently being inducted. Registrants serving on active duty affect the quotas of the political subdivision from which they entered service by reducing the number of available men and, hence, the quota for such subdivision.[1]

B. Provisions of S. 1432 [2]

S. 1432 was passed in different forms by the Senate on May 11, 1967, and by the House on May 25, 1967. These differences were resolved by a Senate-House conference committee, which issued a report to this effect on June 8, 1967. The Senate approved the conference report on June 14, 1967, as did the House on June 20, 1967. The bill, as passed.

1. *Changes the name of the Universal Military Training and Service Act to the Military Selective Service Act of 1967.*

2. *Extends authority from July 1, 1967, through July 1, 1971—*

a. To induct persons into the Armed Forces;

b. To issue selective service calls for physicians, dentists, and allied specialists;

c. To continue the suspension of permanent limitations on the active duty strength of the Armed Forces;

d. To pay a quarters allowance to all enlisted members of the Armed Forces who have dependents that are not furnished Government quarters;

e. To give special pay to physicians, dentists, and veterinarians who are drafted.

3. *Makes certain changes concerning the induction of registrants—*

a. By adding language to insure that a registrant who prolongs the litigation of his draft classification beyond his 26th birthday will still be liable to selection, if he is otherwise qualified.

b. By making permanent the existing temporary authority given the President to order to active duty those reservists who fail to discharge their reserve training obligations properly.

c. By permitting, up to the date of induction, enlistment in the Ready Reserve of any Reserve component of the Armed Forces, Army National Guard, or the Air National Guard, if the Governor in the case of the Guard or the President in the case of the Reserves has proclaimed that the strength of these components cannot be maintained by the enlistment of persons who have not been issued induction orders. Under the old law, enlistment in the Guard or Reserves, which gives a registrant a deferment so long as he meets the obligations of such service, was always impossible after receipt of an induction notice.

d. By stating that "the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has heretofore been established and in effect on the date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967." Thus any change in the *method* of selecting inductees, such as a lottery system, cannot be effected without an act of Congress, whereas under previous law the President had the authority to institute this kind of change. This new language in no way prevents the President from changing the priorities by which various age groups will be inducted—inducting the 19–20 year age group first, for example—but it requires that within designated age groups the oldest will be selected first.

4. *Makes certain changes concerning the Selective Service System and draft boards—*

a. By stating that "no member shall serve on any local board or appeal board for more than twenty-five years or after he has attained the age of seventy-five. No citizen shall be denied membership on any local board or appeal board on account of sex." These requirements, which are to be implemented and fully effective not later than January 1, 1968, were not contained in the old draft law.

b. By adding new language that designates an employee of a local board having supervisory duties as the "executive secretary," the term of whom "shall in no case exceed ten years except when reappointed."

c. By requiring the Director of Selective Service to submit a written report to Congress semiannually, rather than annually, and by imposing on the Director a broader obligation to supply Congress with information it may request.

5. *Makes certain changes concerning the counseling of registrants and litigation arising under the draft law—*

a. By clarifying existing law so that there will be no doubt that members in Reserve components of the Armed Forces can serve as counselors to registrants and as Government appeal agents (who have the power to appeal a classification to a State appeal board at any time before a registrant is ordered to report for induction).

b. By preventing judicial review of the classification or processing of registrants, except when defense against criminal prosecution instituted under the draft law is involved. This reemphasizes what the Senate Armed Services Committee called the original intent of selective service law that judicial review of classifications should not occur until after a registrant has exhausted administrative remedies open to him and presents himself for induction.[3]

c. By requiring the Federal Courts to give precedence to the trial and appeal of cases arising under the draft law. As the House Armed Services Committee explained, this new provision relates to the situation that while previous law had permitted the Attorney General to request that cases involving violations of the draft law be given precedence, it appeared that he had been reluctant to use this authority.[4]

d. By requiring the Department of Justice to prosecute all draft law cases recommended by the Director of Selective Service, or advise Congress of the reason for his failure to do so. The House Armed Services Committee expressed concern over an apparent failure of the Attorney General to prosecute many alleged violations of the draft law despite the Director of Selective Service's requests for such prosecution.[5] Subsequently, this new requirement was included in the Military Selective Service Act of 1967.

6. *Makes certain changes concerning deferments and exemptions—*

a. By stating that "the National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segments of the population." This new provision of law has the purpose of improving the development of occupational and student deferments. Presidential authority to establish criteria for occupational deferments is unchanged, but critical skills and essential activities that heretofore have been identified by the Departments of Commerce and Labor will now be formulated by the National Security Council. Thus authority for the granting of deferments to individuals in apprenticeship training and agricultural pursuits (as well as for other types of deferments such as hardship to dependents) remains unchanged.[6]

b. By authorizing the President to "recommend criteria for the classification of persons subject to induction . . . and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States wherever practicable." This new language is part of a legislative compromise between, on the one hand, the House-passed version of S. 1432, which would have required the President, whenever practicable, to establish national criteria for the classification of registrants and have required uniform implementation of such criteria by local boards whenever the President found this to be in the national interest, and, on the other hand, the Senate conferees, who felt that the establishment of uniform national standards would practically eliminate the ability of local draft boards to exercise individual judgment in the classification of individuals and cause greater inequities in the classification process than existed under the old law.[7]

c. By subjecting to the draft, up to age 35 and on the same basis as doctors and dentists who are U.S. citizens, those alien doctors and dentists who enter the United States for permanent residence after reaching the age of 26.

d. By terminating the exemption of Public Health Service Officers on active duty who are assigned to the Peace Corps, the Food and Drug Administration, the Department of Agriculture, and the Office of Economic Opportunity. The exemptions of Officers so assigned prior to the enactment of the new law are not affected. However, under the discretionary authority of the President to provide occupational deferments, Officers so assigned can be deferred.[8]

e. By establishing college student deferments on a new basis. A registrant who requests such deferment and is provided with one under rules and regulations prescribed by the President, and who satisfactorily pur-

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[1] U.S. Congress. Senate. Amending and Extending the Draft Law, Report No. 209, May 4, 1967, 90th Cong., 1st Sess., p. 2–4. An identical summary is found in: U.S. Congress. House. Military Selective Service Act of 1967, Report No. 267, May 18, 1967. 90th Cong., 1st Sess., p. 16–18.

[2] The summary that follows is based primarily on: Senate Report No. 209 and House Report No. 267, *op. cit.*; U.S. Congress. House. Amending and Extending the Draft Act and Related Laws, Report No. 346 [Conference Report to accompany S. 1432] June 8, 1967, 90th Cong., 1st Sess.

[3] Senate Report No. 209, *op. cit.*, p. 10.

[4] House Report No. 267, *op cit.*, p. 30.

[5] *Ibid.*

[6] See *Congressional Record*, June 20, 1967, p. H7480.

[7] See House Report No. 346, *op. cit.*, p. 12.

[8] *Congressional Record*, June 20, 1967, p. H7484.

sues a full-time course of instruction at a college, university, or similar institution, shall continue to be deferred until he completes the requirements for the baccalaureate degree or reaches the age of 24, whichever comes first. (If he reaches this age in his last academic year, he will be deferred to complete that year.) College student deferments "may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action." However, no person who has received a student deferment shall thereafter be granted another deferment, except for extreme hardship to dependents (under regulations governing hardship deferments) or for graduate study, occupation, or employment necessary to the national health, safety, or interest. Thus the new law makes student testing and relative class standing unnecessary for determining whether a student deferment will continue; continuation of a college student deferment, once granted, depends on the meeting of the conditions outlined above—satisfactory pursuit of a full-time course of instruction before attainment of age 24. The provisions and legislative history of S. 1432 indicate that upon the termination of a college student deferment, the registrant will have the same exposure to possible induction as that which he would have experienced had he not been deferred. That is, he will be returned to the "prime age group" determined by the President. (The President will continue to have the authority to provide deferments for graduate study in medicine, dentistry, or other subjects deemed essential to the national health, safety or interest.) [9]

f. By eliminating from the old law: (1) the requirement for a hearing by the Department of Justice when a local board decision denying conscientious objector status to a registrant is appealed; (2) the definition of religious training and belief as meaning "an individual's belief in a relationship to a Supreme Being involving duties superior to those arising from any human relationship but does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

PART II—EXECUTIVE ORDER 11360

A. General provisions of Executive Order 11360

[Stricken matter appears in black brackets, new matter in italic]

E.O. 11360, June 30, 1967, substituted "Military Selective Service Act of 1967" for "Universal Military Training and Service Act, as amended, " wherever the latter appeared in the Selective Service Regulations. It did the same with respect to the substitution of "Environmental Science Services Administration" for "Coast and Geodetic Survey." [10]

B. Specific provisions of Executive Order 11360 [11]

1. Part 1604, Selective Service Officers

a. Section 1604.22, composition and appointment:

For each board area an appeal board, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be [male] citizens of the United States who are not members of the armed forces or any reserve component thereof; they shall be residents of the area in which their board is appointed; and they shall be at least 30 years of age. *No member shall serve on an appeal board for more than twenty-five years, or after he has attained the age of seventy-five years.* The appeal board should be a composite board, representative of the activities of its area, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to the board becomes too great for the board to handle without undue delay, additional panels of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such panel shall have full authority to act on all cases assigned to it. The State Director of Selective Service shall coordinate the work of all the panels to effect an equitable distribution of the workload.

b. Section 1604.52, Composition and appointment:

(c) The members of the local boards shall be [male] citizens of the United States who shall be residents of a country in which their local board has jurisdiction and who shall also, if at all practical, be residents of the area in which their local board has jurisdiction. No member of a local board shall be a member of the armed forces or any reserve component thereof. Members of local boards shall be at least 30 years of age.

(d) *No member shall serve on any local board for more than twenty-five years, or after he has attained the age of seventy-five years.*

c. Section 1604.71, Appointment and duties:

(c) Each government appeal agent and associate government appeal agent shall [, whenever possible,] *be, whenever possible,* a person with legal training and experience. [and shall not be a member of the armed forces or any reserve component thereof.]

(e) *The State Director of Selective Service may authorize any duly appointed government appeal agent or associate government appeal agent to perform such duties for any local board within the state.*

2. Part 1611, Duty and responsibility to register

a. Section 1611.2, Persons not required to be registered:

(a) Under the provisions of section 6(a) of the Military Selective Service Act of 1967 the following persons are not required to be registered:

(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Air Force, the Marine Corps, the Coast Guard, the Environmental Science Services Administration, and the Public Health Service;

(2) cadets, United States Military Academy;

(3) midshipmen, United States Navy;

[4) Cadets, United States Coast Guard Academy]

(4) *cadets, United States Air Force Academy;*

[(5) Midshipmen, Merchant Marine Reserve, United States Naval Reserve;]

(5) *cadets, United States Coast Guard Academy;*

[(6) Students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense;]

(6) *midshipmen, Merchant Marine Reserve, United States Naval Reserve;*

[(7) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty; and]

(7) *students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense;*

[(8) Foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families.]

(8) *members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commences after the enactment of the Military Selective Service Act of 1967 is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration; and*

(9) *foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families.*

b. Section 1611.5, Registration of certain persons entering the United States:

[(a) Every male citizen of the United States who would have been required to register on any day or days fixed for registration by Presidential proclamation had he been within the United States and who thereafter enters the United States shall present himself for and submit to registration before a local board within the period of five days following the date on which he enters the United States.]

[(b)] Every male person, other than a citizen of the United States and a person excepted from registration by section 1611.2, who enters the United States subsequent to the day or days fixed by Presidential proclamation for the registration of a person of his age shall present himself for and submit to registration before a local board within the period of six months following the date on which he enters the United States.

3. Part 1622, Classification Rules and Principles

a. Section 1622.1, General principles of classification:

[(a) The Universal Military Training and Service Act, as amended, provides that every male citizen of the United States, every male admitted to the United States for permanent residence, and every male alien who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year, who is between the ages of 18 years and 6 months and 26 years, shall be liable for training and service in the Armed Forces of the United States, and that persons who on June 19, 1951, or thereafter were deferred under the provisions of section 6(c)(2)(A) of such Act that were in effect prior to September 3, 1963, shall remain liable for training and service until they attain the age of 28, and that persons who on June 19, 1951, were, or thereafter are, deferred under any other provision of section 6 of such Act shall remain liable for training and service until they attain the age of 35. Certain exemptions and deferments are specifically provided; others are authorized to be provided by regulations promulgated by the President.]

(a)(1) Primary liability for military training and service provided by the selective service law is placed on those persons in the following categories who are between the ages of 18 years and 6 months and 26 years:

(i) Every male citizen of the United States;

(ii) Every male alien admitted to the United States for permanent residence; and

(iii) Every male alien who has remained in the United States in a status other than that of a permanent resident for a period or periods totaling one year.

(2) Persons who on June 19, 1951, or there-

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[9] See *Congressional Record,* June 20, 1967, p. H7479–81.

[10] E.O. 11360, June 30, 1967, *Weekly Compilation of Presidential Documents,* July 3, 1967; also appears in the *Federal Register,* v. 32, no. 128.

[11] Language deleted from the Selective Service Regulations by E.O. 11360, as these Regulations appear in the January 1, 1967, revision of the *Code of Federal Regulations* (Title 32, Part 1600 to End) is placed in brackets; new language is underlined.

after were deferred under the provisions of section 6(c)(2)(A) of the Act that were in effect prior to September 3, 1963, remain liable for training and service until they attain age 28.

(3) Persons whose liability for training and service is extended by the Act to age 35 are:

(i) persons in a medical, dental or allied specialist category, and

(ii) persons who on June 19, 1951, were, or thereafter are, deferred under any other provisions of section 6 of the Act.[12]

(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remian liable for induction, and when available shall be immediately inducted.

b. Section 1622.11, Class I-A-O: conscientious objector available for noncombatant military service only:

[(a)] In Class I-A-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to combatant training and service in the armed forces.

[(b) Section 6(j) of title I of the Universal Military Training and Service Act, as amended, provides in part as follows:

Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code.]

c. Section 1622.12, Class I-C: member of the armed forces of the United States, the Environmental Science Services Administration, or the Public Health Service:

[(d) Every registrant who is a member of a reserve component of the armed forces or the Public Health Service and who is on active duty (exclusive of periods for training only).]

(d) Exclusive of periods for training only, every registrant who is a member of a reserve component of the Armed Forces and is on active duty, and every member of the Reserve of the Public Health Service on duty prior to the enactment of the Military Selective Service Act of 1967 or who after such enactment is on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

d. Section 1622.13, Class I-D: member of Reserve Component or student taking military training:

[(f) In Class I-D shall be placed any registrant, other than a registrant referred to in paragraph (b) or (g) of this section, who prior to attaining the age of 26 years and prior to the issuance of orders for him to report for induction, enlists or accepts appointment on or after September 3, 1963, in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class I-D so long as he serves satisfactorily as a member of an organized unit or such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.]

(f) In Class I-D shall be placed any registrant, other than a registrant referred to in paragraph (b) or (g) of this section, who—

(1) prior to the issuance of orders for him to report for induction; or

(2) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

(3) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class I-D so long as he serves satisfactorily as a member of an organized unit of such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of the Ready Reserve of another reserve component, the Army National Guard or the air National Guard, as the case may be.[13]

e. Section 1622.14, Class I-O: conscientious objector available for civilian work contributing to the maintenance of the national health, safety, or interest:

[(a)] In Class I-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces.

[(b) Section 6(j) of title I of the Universal Military Training and Service Act, as amended, provides in part as follows:

Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include political, sociological, or philosophical views or a merely personal moral code.]

f. Section 1622.15, Class I-S: students deferred by statute:

[(b) In Class I-S shall be placed any registrant who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and during his academic year at such institution is ordered to report for induction, except that no registrant shall be placed in Class I-S under the provisions of this paragraph (1) who has previously been placed in Class I-S thereunder, or (2) who, prior to June 19, 1951, had his induction postponed under section 6(i) (2) of the Selective Service Act of 1948, as amended, or was deferred as a student under section 6(h) of such act. A registrant who is placed in Class I-S under the provisions of this paragraph shall be retained in Class I-S (1) until the end of his academic year, or (2) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier. The date of the classification in Class I-S and the date of termination shall be entered in the "Remarks" column of the Classification Record (SSS Form No. 102) and be identified on that record as Class I-S (c).]

(b) In Class I-S shall be placed any registrant who while satisfactorily pursuing a full-time course of instruction at a college, university or similar institution of learning and during his academic year is ordered to report for induction, except that no registrant shall be placed in Class I-S under the provisions of this paragraph.

(1) who has previously been placed in Class I-S thereunder

or

(2) who has been deferred as a student in Class II-S and has received his baccalaureate degree. A registrant who is placed in Class I-S under the provisions of this paragraph shall be retained in Class I-S

(1) until the end of his academic year or

(2) until he ceases satisfactorily to pursue such course of instruction, whichever is earlier. The date of the classification in Class I-S and the date of its termination shall be entered in the "Remarks" column of the Classification Record (SSS Form 102) and be identified on that record as Class I-S (C).

g. Section 1622.22, Class II-A: registrant deferred because of civilian occupation (except agriculture and activity in study):

(b) In Class II-A shall be placed any registrant who is preparing for critical skills and other essential occupations as identified by the Director of Selective Service upon the advice of the National Security Council.

h. Section 1622.23, Necessary employment defined:

[(c) The President may, from time to time (1) designate special categories of occupation, employment, or activity essential to the national health, safety, or interest; and (2) prescribe regulations governing the deferment of individual registrants engaged in such occupations, employments, or activities.]

(c) The Director of Selective Service may from time to time, upon the advice of the National Security Council identify needed professional and scientific personnel and those engaged in and preparing for critical skills and other essential occupations.[14]

i. Section 1622.24, Class II-C: registrant deferred because of agricultural occupation:

[(c) The existence of a shortage or a surplus of any agricultural commodity shall not be considered in determining the deferment of any individual on the grounds that his employment in agriculture is necessary to the maintenance of the national health, safety, or interest.]

j. Section 1622.25, Class II-S registrant deferred because of activity in study:

[(a) In Class II-S shall be placed any registrant whose activity in study is found to be necessary to the maintenance of the national health, safety, or interest.]

(a) In Class II-S shall be placed any registrant who has requested such deferment and who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, such deferment to continue until such registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever occurs first.

[(b) The Director of Selective Service, after consultation with such departments and other agencies of the executive branch of the

[12] Section 6 deals with deferments and exemptions, and section 6(c), in particular, with reserve components exemptions.

[13] Paragraphs (b) and (g) refer to Class I-D deferments given to registrants in Reserve Officers' Training Corps programs and to registrants who are commissioned officers in the Ready Reserve.

[14] On February 14, 1968, the Director of Selective Service sent to the Directors of State Selective Service Systems a telegram that read, in part: "Under advice received today from the National Security Council with respect to occupational deferments, the lists of essential activities and critical occupations are suspended, leaving each local board with discretion to grant, in individual cases, occupational deferments based on a showing of essential community need." Quoted in *New York Times*, February 17, 1968, p. 10.

Government as may be appropriate, may promulgate criteria, which shall be advisory only, concerning the placing of registrants in Class II–S.]

(b) *A student shall be deemed to be "satisfactorily pursuing a full-time course of instruction" when, during his academic year, he has earned, as a minimum, credits toward his degree which, when added to any credits earned during prior academic years, represent a proportion of the total number required to earn his degree at least equal to the proportion which the number of academic years completed bears to the normal number of years established by the school to obtain such degree. For example, a student pursuing a four-year course should have earned 25 percent of the credits required for his baccalaureate degree at the end of his first academic year.*

(d) *It shall be the registrant's duty to provide the local board each year with evidence that he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning.*[15]

k. *Section 1622.26, Class II–S: registrant deferred because of activity in graduate study:*

(a) *In Class II–S shall be placed any registrant who is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, osteopathy or optometry, or in such other subjects necessary to the maintenance of the national health, safety or interest as are identified by the Director of Selective Service upon the advice of the National Security Council.*

(b) *Any registrant who is entering his second or subsequent year of post-baccalaureate study without interruption on October 1, 1967, may be placed in Class II–S if his school certifies that he is satisfactorily pursuing a full-time course of instruction leading to his degree; but such registrant shall not be referred for a course of study leading to a master's degree or the equivalent for more than one additional year, or for a course of study leading to a doctoral or professional degree or the equivalent (or combination of master's and doctoral degrees) for more than a total of five years, inclusive of the years already used in such course of study, or for an additional year, whichever is greater. Any registrant enrolled for his first year of post-baccalaureate study in a graduate school or a professional school on October 1, 1967, or accepted for admission involving enrolled status on October 1, 1967, may be placed in Class II–S if he has entered the first class commencing after the date he completed the requirements for admission and shall be deferred for one academic year only, or until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.*[16]

[15] Section 1622.25a, "Criteria concerning the placing of registrants in Class II–S," was rescinded by order of the Director of Selective Service, June 30, 1967. This rescinded section pertained to class standing and scores made in the Selective Service College Qualification Test as bases for the granting of II–S deferments.

[16] In the telegram cited in footnote 1, page LRS–22, the Director of Selective Service stated: "With respect to graduate school deferments, the National Security Council advises that it is not essential for the maintenance of the national health, safety and interest to provide student deferments for graduate study in fields other than medicine, dentistry and allied medical specialties; except that this recommendation does not affect existing regulations governing deferment for graduate students who entered their second or subsequent year of graduate study in the fall of 1967. It does affect students graduating from college this year, as well as those who entered the first year of graduate school last fall."

l. Section 1622.30, Class III–A: registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents:

(a) In Class III–A shall be placed any registrant who has a child or children with whom he maintains a bona fide family relationship in their home and who is not a physician, dentist, or veterinarian, or who is not in an allied specialist category which may be announced by the Director of Selective Service after being advised by the Secretary of Defense that a special requisition under authority of section 1631.4 of these regulations will be issued by the delivery of registrants in such category, *except that a registrant who is classified in Class II–S after the date of the enactment of the Military Selective Service Act of 1967 shall not be eligible for classification in Class III–A under the provisions of this paragraph.*

m. Section 1622.40, Class IV–A: registrant who has completed service; sole surviving son:

(a) (3) A registrant who has served on active duty for a period of not less than twenty-four months as a commissioned officer in the [Public Health Service or the Coast and Geodetic Survey] *Environmental Science Services Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned officer commencing after the date of enactment of the Military Selective Service Act of 1967 shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.*

(b) For the purpose of computation of period of active duty referred to in . . . this section, no credit shall be allowed for— . . .

(6) Period of active duty of members of the Public Health Service commencing after the date of enactment of the Military Selective Service Act of 1967 other than when assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or the Coast Guard or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

n. Section 1622.42, Class IV–C: aliens:

(d) In Class IV–C shall be placed an alien who has registered at a time when he was required by the selective service law to present himself for and submit to registration and thereafter has acquired status within one of the groups of persons exempt from registration.

o. Section 1622.50, Class V–A: registrant over the age of liability for military service:

(a) In Class V–A shall be placed every registrant who has attained the twenty-sixth anniversary of the date of his birth except (1) those registrants who are in active military service in the armed forces and are in Class I–C, (2) those registrants who are performing civilian work contributing to the maintenance of the national health, safety, or interest in accordance with the order of the local board and are in Class I–W, (3) those registrants who have consented to induction, [and] (4) those registrants who on June 19, 1951, or at any time thereafter were deferred under the provisions of section 6 of [title I of the Universal Military Training and Service Act, as amended. Except as is otherwise provided in this paragraph, registrants who prior to attaining the twenty-sixth anniversary of the day of their birth have been classified in some other class shall as soon as practicable after attaining the twenty-sixth anniversary of the day of their birth, be reclassified into Class V–A.] *the Military Selective Service Act of 1967, and (5) registrants who are in a medical, dental, or allied specialist category.*

(b) In Class V–A shall be placed every registrant who has attained the twenty-eighth anniversary of the day of his birth except (1) those registrants who are in active military service in the Armed Forces and are in Class I–C, (2) those registrants who are performing civilian work contributing to the maintenance of the national health, safety, or interest in accordance with the order of the local board and are in Class I–W, (3) those registrants who have consented to induction, and (4) those registrants who on June 19, 1951, or at any time thereafter, were deferred under any provisions of section 6 of the [Universal Military Training and Service Act, as amended, other than the provisions of subsection (c) (2) (A) of such section which were in effect prior to September 3, 1963. Except as is otherwise provided in this paragraph, registrants who prior to attaining the twenty-eighth anniversary of the day of birth have been classified in some other class shall, as soon as practicable after attaining the twenty-eighth anniversary of the day of their birth, be reclassified into Class V–A.] *Military Selective Service Act of 1967 other than the provisions of subsection (c) (2) (A) of such section as were in effect prior to September 3, 1963, and (5) those registrants who are in a medical, dental, or allied specialist category.*

4. Part 1626, Appeal to Appeal Board

a. Section 1626.24, Review by Appeal Board:

(b) In reviewing the appeal and classifying the registrant, the appeal board shall not receive or consider any information other than the following:

(1) Information contained in the record received from the local board.

(2) General information concerning economic, industrial and social conditions.

[(3) Any advisory recommendation from the Department of Justice under section 1626.25.

(4) Any reply to the recommendation from the Department of Justice received from the registrant under section 1626.25.]

b. [Section 1626.25, Special provisions when appeal involves claim that registrant is a conscientious objector:

(a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

(1) If the registrant claims that he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and by virtue thereof he is conscientiously opposed to combatant training and service in the armed forces, but is not conscientiously opposed to noncombatant training and service in the armed forces, the appeal board shall determine whether or not such registrant is eligible for classification in a class lower than Class I–A–O or in Class I–A–O. If the appeal board determines that such registrant is eligible for classification in a class lower than Class I–A–O or in Class I–A–O, it shall classify the registrant in the lowest class for which he is determined to be eligible.

(2) If the registrant claims that he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and by virtue thereof is conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, the appeal board shall determine whether or not the registrant is eligible for classification in a class lower than Class I–O or in Class I–O. If the appeal board determines that such registrant is eligible for classification in a class lower than Class I–O or in Class I–O, it shall place him in the lowest class for which he is determined to be eligible.

(3) If the appeal board determines that a registrant who has claimed conscientious objection within the meaning of subparagraph (1) or subparagraph (2) hereof is not en-

titled to classification in either the class he claimed or in a lower class, it shall transmit the entire file to the United States Attorney for the judicial district in which the office of the appeal board is located for the purpose of securing an advisory recommendation from the Department of Justice.

(b) No registrant's file shall be forwarded to the United States Attorney by any appeal board and any file so forwarded shall be returned, unless in the "Minutes of Action by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form 100) the record shows and the letter of transmittal states that the appeal board reviewed the file and tentatively determined that registrant should not be classified in either Class I–A–O or Class I–O, whichever he claims.

(c) Whenever a registrant's file is forwarded to the United States Attorney in accordance with subparagraph (3) of paragraph (a) of this section, the Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of induction be ordered by his local board to perform for a period of twenty-four consecutive months civilian work contributing to the maintenance of the national health, safety, or interest. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained.

(d) Upon receipt of the recommendation of the Department of Justice, the appeal board shall mail a copy thereof to the registrant together with a letter advising the registrant that, within thirty days after the date of such mailing, he may file with the appeal board a written reply concerning the recommendation of the Department of Justice. Upon receipt of the reply of the registrant or the expiration of the period afforded him to make such reply, whichever occurs first, the appeal board shall determine the classification of the registrant, and in its determination it shall give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice. The appeal board also shall give consideration to any reply to such recommendation received from the registrant. The appeal board shall place in the Cover Sheet (SSS Form No. 101) of the registrant the recommendation of the Department of Justice, a copy of its letter transmitting a copy of such recommendation to the registrant, and any reply to such recommendation received from the registrant.] [17]

5. Part 1630, Volunteers

Section 1630.4, Classification of volunteers:

When a man files an Application for Voluntary Induction (SSS Form No. 254) under the provisions of section 1630.1, he shall be classified as soon as possible and placed in a class available for military service unless:

(a) Disregarding all other grounds for deferment, he would be classified in Class II–A, Class II–C, *or* Class III–A. [, or Class IV–A.]

6. Part 1631, Quotas and Calls

a. Section 1631.4, Calls by the Secretary of Defense:

(a) The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for a specified number of men required for induction into the Armed Forces. The Secretary of Defense may also from time to time place with the Director of Selective Service a call or requisition for a number of men in any medical, dental, or allied specialist category required for induction into the Armed Forces. [The Secretary of Defense shall present such calls or requisitions to the Director of Selective Service not less than 60 days prior to the period during which the delivery and induction of such men are to be accomplished.]

(b) When future needs of the Armed Forces may require it, the Secretary of Defense also may from time to time place with the Director of Selective Service a call or requisition for a specified number of men for induction into the Armed Forces, designating the age group or groups from which such men shall be selected.

(c) All registrants born within any calendar year shall constitute an age group within the meaning of this section.

(d) The Secretary of Defense shall present such calls or requisition to the Director of Selective Service not less than 60 days prior to the period during which the delivery and induction of such men are to be accomplished.

b. Section 1631.5, Calls by the Director of Selective Service:

(a) The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense for a number of men to be inducted into the Armed Forces, allocate such call or requisition among the several States. [The Director of Selective Service in allocating such call may provide for the selection of persons by age group or groups whenever he deems such action is necessary in order that persons in older age groups shall, on a nation-wide basis, be selected and delivered for induction before persons in younger age groups.]

c. Section 1631.7, Action by local board upon receipt of notice of call:

(a) *When a call is placed without designation of age group or groups,* each local board, upon receiving a Notice of Call on Local Board (SSS Form No. 201) from the State Director of Selective Service (1) for a specified number of men to be delivered for induction, or (2) for a specified number of men in a medical, dental, or allied specialist category to be delivered for induction, shall select and order to report for induction the number of men required to fill the call from among its registrants who have been classified in Class I–A and Class I–A–O and have been found acceptable for service in the Armed Forces and to whom the local board has mailed a Statement of Acceptability (DD Form No. 62) at least 21 days before the date fixed for induction: *Provided,* That a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and has not been mailed a Statement of Acceptability (DD Form No. 62): *And provided further,* That a registrant classified in Class I–A or Class I–A–O who has volunteered for induction may [if an appeal is not pending in his case and the period during which an appeal may be taken has expired] be selected and ordered for induction notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form No. 62) has been mailed to him. Such registrants, including those in a medical, dental, or allied specialist category, shall be selected and ordered to report for induction in the following order:

(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(3) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who (A) do not have a wife with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first, or (B) have a wife whom they married after the effective date of this amended subparagraph and with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first.

(4) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who have a wife whom they married on or before the effective date of this amended subparagraph and with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first.

(5) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

(6) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first. In selecting registrants in the order of their dates of birth, if two or more registrants have the same date of birth they shall, as among themselves, be selected in alphabetical order.

(b) When a call is placed with designation of age group or groups, each local board, upon receiving a Notice of Call on Local Board (SSS Form 201) from the State Director of Selective Service for a specified number of men to be delivered for induction, shall select and order to report for induction the number of men required to fill the call from among its registrants who have been classified in Class I–A and Class I–A–O and who have been found acceptable for service in the Armed Forces and to whom the local board has mailed a Statement of Acceptability (DD Form 62) at least 21 days before the date fixed for induction; Provided, That a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and has not been mailed a Statement of Acceptability (DD Form 62); And provided further, That a registrant classified in Class I–A or Class I–A–O who has volunteered for induction may be selected and ordered to report for induction notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether a Statement of Acceptability (DD Form 62) has been mailed to him. Such registrants shall be selected and ordered to report for induction in the following order:

(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(3) Registrants in the designated age group; and registrants who previously have been deferred in Class I–S–C after attaining the age of 19 years, or who have requested and have been granted a deferment in Class II–S after the enactment of the Military Selective Service Act of 1967, and who are no longer so deferred, shall be considered as being within the age group called regardless of their actual age. These registrants shall be integrated and called according to the month and day of their birth, the oldest first. Registrants who have been deferred in Class I–S–C– or Class II–S and have been integrated with a prime age group under the provisions of this paragraph shall, for the purposes of selection and call, thereafter be considered a member of such age group.

[17] The provisions of Section 1626.25 reproduced here are as they read after the amendment of this section by E.O. 11350, May 3, 1967.

(c) Whenever the number of postponements of induction materially reduces the number of men the local board can actually deliver in response to a call, the local board shall issue orders to report for induction to such numbers of additional men as may be necessary to meet the call, taking into account the number of men to be delivered following the expiration of postponements previously granted.

d. Section 1631.8, Registrants who shall be inducted without calls:

(c) *Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.*

7. Part 1632, Delivery and Induction

a. Section 1632.20, Records returned to local board:

(b)(3) For each registrant found not qualified for service in the Armed Forces, file the original Record of Induction (DD Form 47), the original Report of Medical Examination (Standard Form 88), the copy of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form 254) in the Cover Sheet (SSS Form 101) and forward to the State Director of Selective Service the copy of the Record of Induction (DD Form 47). [and the copy of the Report and Medical Examination (Standard Form 88).]

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8. Part 1642, Delinquents

a. Section 1642.10, Restriction on classification and induction of delinquents:

No delinquent registrant shall be placed in Class I–A or Class I–A–O under the provisions of section 1642.12 or shall be ordered to report for induction under the provisions of section 1642.13 or section 1631.7 of this chapter, *or, in the case of a conscientious objector opposed to noncombatant training and service, ordered to report for civilian work in lieu of induction,* unless the local board has declared him to be a delinquent in accordance with the provisions of section 1642.2 and thereafter has not removed him from such delinquency status.

b. Section 1642.12, Classification of delinquent registrant:

Any delinquent registrant between the ages of 18 years and 6 months and 26 years and any delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and any delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was or thereafter has been or may be, deferred under any other provision of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, may be classified in or reclassified into Class I–A, Class I–A–O or *Class I–O,* whichever is applicable, regardless of other circumstances: Provided, That a delinquent registrant who by reason of his service in the Armed Forces is eligible for classification into Class IV–A may not be classified into Class I–A, Class I–A–O *or Class I–O* under this Section unless such action is specifically authorized by the Director of Selective Service.

c. Section 1642.13, Certain delinquents to be ordered to report for induction *or for civilian work in lieu of induction:*

The local board shall order each delinquent registrant between the ages of 18 years and 6 months and 26 years and each delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and each delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provisions of section 6 of such Act, including the provisions of subsection 6(2)(A) in effect on and after September 3, 1963, who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in section 1631.7 of this chapter, *or in the case of a delinquent registrant classified or reclassified into Class I–O, the local board shall determine the type of civilian work it is appropriate for him to perform and shall order him to perform such civilian work in lieu of induction in accordance with the provisions of Part 1660 of this chapter,* unless *in either case* (a) it has already [done so] *issued such order,* or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction *or civilian work.*[18]

d. Section 1642.14, Personal appearance, reopening, and appeal:

(a) When a delinquent registrant is classified in or reclassified into Class I–A, [or] Class I–A–O, *or Class I–O* under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

(b) The classification of a delinquent registrant who is classified in or reclassified into Class I–A, [or] Class I–A–O, *or Class I–O* under the provisions of this part may be reopened at any time before induction *or before the date he is to report for civilian work* in the discretion of the local board without regard to the restrictions against reopening prescribed in section 1625.2 of this chapter.

(c) When a delinquent registrant is classified in or reclassified into Class I–A, [or] Class I–A–O, *or Class I–O* under the provisions of this part, an appeal may be taken under the same circumstances and by the same persons as in any other case.

e. Section 1642.15, Continuous duty of certain registrants to report for induction or civilian work in lieu of induction:

Regardless of the time when or the circumstances under which a registrant fails or has failed to report for induction pursuant to an Order [or] to Report for Induction (SSS Form 252) or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253), *or fails or has failed to report for civilian work in lieu of induction pursuant to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153),* it shall thereafter be his continuing duty from day to day to report for induction *or for civilian work in lieu of induction* to his own local board, and to each local board whose area he enters or in whose area he remains.

f. Section 1642.21, Procedure:

(c) If a delinquent registrant who is in Class I–O reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board, and that he will be ordered under the provisions of Part 1660 to perform civilian work deemed appropriate by such local board for the registrant to perform in lieu of induction, if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(d) If the registrant's own local board advises that the registrant is delinquent because he has failed to respond to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board at which the registrant has appeared or was brought shall issue to him written instructions regarding the date and place he is to report for work and the type of work he is to perform. Whenever necessary, travel, meals and lodging may be furnished the registrant under the provisions of section 1660.21(b) of this chapter.

[(c)] (e) If the registrant's own local board advises that no Order to Report for Induction (SSS Form 252) or Order for Transferred Man to Report for Induction (SSS Form 253) *or Order to Report for Civilian Work and Statement of Employer (SSS Form 153)* has been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant.

[18] Part 1660 is "Civilian Work in Lieu of Induction."

Fear for Our Constitutional System

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. RARICK. Mr. Speaker, Associate Justice Hugo L. Black, regarded as a liberal on the Court, spoke out on his fears from misuse of the Supreme Court at Columbia University recently.

That Justice Black's comments may be available to all our colleagues, I place the report from the U.S. News & World Report for April 1 at this point in my remarks:

JUSTICE BLACK'S WARNING: "I FEAR FOR OUR CONSTITUTIONAL SYSTEM"

Justice Hugo Black, speaking from the lecture platform instead of the U.S. Supreme Court bench, has given in detail his views on the Constitution—and the role of judges in interpreting it.

In a series of lectures that could go down as landmarks in constitutional philosophy, the Justice has detailed his concern over the growing trend of the Supreme Court to "adapt the Constitution to new times."

Justice Black has been considered a powerful voice of "liberalism" on the Court for more than a quarter of a century. It was his view of the Constitution—often stated in concert with Justice William O. Douglas—that played a large part in shaping the law of the land in such vital fields as racial desegregation, federal and State relationships, free speech, freedom of religion and political equality.

In recent years, some observers of the Court have contended that Justice Black is leaning more toward the "conservative" side of constitutional thinking in criminal and protest cases.

In the Carpentier Lectures at Columbia University Law School, delivered March 20, 21 and 23, Justice Black spoke out on that subject and others of legal interest. From the lectures—

"I strongly believe that . . . the basic purpose and plan of the Constitution is that the Federal Government should have no powers except those that are expressly or impliedly granted, and that no department of Government—exceutive, legislative or judicial—has authority to add to or take from the powers granted it or the powers denied it by the Constitution. . . .

"It is language and history that are the crucial factors which influence me in interpreting the Constitution—not reasonableness or desirability as determined by Justices of the Supreme Court.

* * * * *

"I can find in the Constitution no language which either specifically or implicitly grants to all individuals a constitutional 'right of privacy.' . . . But, even though I like my privacy as well as the next person, I am nevertheless compelled to admit that the

States have a right to invade it unless prohibited by some specific constitutional provision.

* * * * *

"I am well aware of the criticisms leveled against me that I try to follow the literal meanings of words and look too much to the history of the Constitution and the debates surrounding its adoption and the adoption of the Fourteenth Amendment. And I realize that, in following this procedure in many recent cases, I have reached results which many people believe to be undesirable. This has caused a new criticism to spring up that I have now changed my views.

"But I assure you that, in attempting to follow as best I can the Constitution as it appears to me to be written, and in attempting in all cases to resist reaching a result simply because I think it is desirable, I have been following a view of our Government held by me at least as long as I have been a lawyer.

"This view is based on my belief that the Founders wrote into our Constitution their unending fear of granting too much power to judges. . . . But there is a tendency now among some to look to the judiciary to make all the major policy decisions of our society under the guise of determining constitutionality.

* * * * *

"I would much prefer to put my faith in the people and their elected representatives to choose the proper policies for our Government to follow, leaving to the courts questions of constitutional interpretation and enforcement.

* * * * *

"Power corrupts, and unrestricted power will tempt Supreme Court Justices just as history tells us it has tempted other judges. For, unfortunately, judges have not been immune to the seductive influences of power, and, given absolute or near-absolute power, judges may exercise it to bring about changes that are inimical to freedom and good government.

* * * * *

"For the reasons that I have been discussing, I strongly believe that the public welfare demands that constitutional cases must be decided according to the terms of our Constitution itself and not according to the judges' views of fairness, reasonableness or justice.

* * * * *

"The courts are given power to interpret the Constitution and laws, which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that, consistent with that oath, a judge can arrogate to himself a power to 'adapt the Constitution to new times.'

"But adherence to the Constitution as written does not mean we are controlled by the dead. It means we are controlled by the Constitution, truly a living document. For it contains within itself a lasting recognition that it should be changed to meet new demands, new conditions, new times.

"It provides the means to achieve these changes through the amendment process in Article V.

* * * * *

"I do not believe that the First Amendment grants a constitutional right to engage in the conduct of picketing or demonstrating, whether on publicly-owned streets or on privately-owned property.

"The Constitution certainly does not require people on the streets, in their homes or anywhere else to listen against their will to speakers they do not want to hear. Marching back and forth, though utilized to communicate ideas, is not speech and therefore is not protected by the First Amendment.

* * * * *

"I deeply fear for our constitutional system of government when life-appointed judges can strike down a law passed by Congress or a State legislature with no more justification than that the judges believe the law is 'unreasonable.' "

Jake Pickle: An Effective Congressman

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. POAGE. Mr. Speaker, today, I had the opportunity to meet with a fine group of good friends from the district just to our south. They were here to initiate nonstop air service between Austin and Washington. I salute our neighboring Congressman, the gentleman from Texas, the Honorable J. J. "JAKE" PICKLE. I only wish we could get a service even partly comparable to that he has secured for Austin. As part of the inaugural flight program over 50 officials of the State and local governments, of the University of Texas, and of the leading area businesses are now in Washington, and I believe it is fitting to reflect for a moment on the career of our colleague.

While it seems that PICKLE's years have passed quickly, they are long, indeed, in terms of the experience he has gained. JAKE has quickly become one of the seasoned veterans on Capitol Hill.

From his first days here, he was assigned to the House Interstate and Foreign Commerce Committee—the oldest and one of the most powerful committees now in existence. In addition to this, being an extraordinary appointment for a freshman lawmaker, he has worked hard and risen 10 places in important seniority so that today he ranks only eighth from the chairmanship on the majority side. As the only Texan on this committee, JAKE has performed an outstanding feat in representing the many points of view coming out of our home State.

Largely because of his untiring work, PICKLE has won the acclaim of much of the leadership in Congress. Speaker MCCORMACK has called him one of the most enthusiastic Congressmen to come to Congress in years. Vice President HUMPHREY has called him a "man all Texas can be proud of." And, Governor Connally of Texas is quoted as referring to him as a man who has proved his mettle for "over a quarter of a century of service to Texas."

Mr. Speaker, to describe Mr. PICKLE's absolute accomplishments, I would have to do little more than refer you to almost any constituent of his district. He has produced more positive programs of assistance for the benefit of all in the 10th District than can be imagined. He has worked in securing improved transportation services for Austin, and in obtaining schools, post offices, and other much-needed facilities. In representing one of the major educational centers in Texas, he is an effective advocate of improved education at all levels, and for all income groups. He served this last year as the president of the University of Texas Ex-Students Association, Washington, D.C., Chapter, and, incidentally, as president of the Texas State Society, as well.

As a member of the Subcommittee on Transportation and Aeronautics, he has become recognized as an expert on aviation problems and has participated in many conferences and technical meetings.

Mr. PICKLE sponsored legislation last year which ultimately served as the pattern to settle the national railroad strike which paralyzed the country for 3 days. He has been the leading spokesman for a permanent law for handling emergency work stoppages in the transportation field, rather than use the piecemeal approach we have seen in the past. This is intended to save collective bargaining.

As the Representative of one of the finest and most diverse agricultural districts in the country, he has taken a sympathetic view of farmers and their problems. During the time I have served as the chairman of the House Agriculture Committee, I have seen him work swiftly and knowledgeably to protect the interest of the farmers he represents. He personally came to me to point out the danger of a measure which could possibly have worked to do away with the Texas rice farmers' historic producer-acreage allotment. As a result this legislation was laid aside.

In legislation providing for the transfer of peanut-acreage allotments, he worked to insure that the intracounty restriction was included so that processing and production facilities would not be abandoned.

And in the cotton program he has been alert to every move. He had a keen interest in the Agriculture Act of 1965, and suggested language that was incorporated in the bill concerning the sale and lease of cotton allotments. This law is generally recognized as one of the most successful and accepted pieces of farm legislation seen in years.

Also, PICKLE is a watchdog in keeping surveillance of the rules and regulations put out by the Secretary, and worked to assure that the rules for the 1968 program would be the same as those under the 1967 program.

In short, JAKE PICKLE is a man who gets action. We in the Texas delegation marvel at his effectiveness, and the stock crack at the weekly delegation luncheon is "Well, JAKE, what have you moved to Austin today?"

And while this remark seems to say that his interests are localized, this is certainly not the case. As Vice President HUMPHREY said, PICKLE is a man for all of Texas to be proud of.

There is no office of Congressman-at-large, but JAKE fits that role now. Anyone in the delegation will vouch for the fact that JAKE will listen to any good cause; give good, commonsense advice; and most importantly, take the action needed to get the job done.

It has been a refreshing experience for me to serve with this fine man, and I wish to congratulate him on his accomplishments, and am glad today that I could join in the welcome of a large and distinguished group from Austin and central Texas to Washington in celebration of this nonstop Braniff flight from Austin to Washington.

The Right of Privacy and Federal-State Sharing of Income Tax Returns

HON. PAUL FINDLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. FINDLEY. Mr. Speaker, the American public is about to find out that the right to privacy, so necessary for the existence of a democratic society, is again being infringed upon, this time by a seemingly innocuous set of Federal regulations which provide that the Internal Revenue Service may share Federal income tax returns with State and local governments.

The purpose of this system is to eliminate cheating on income tax declarations. In that sense the sharing idea may be beneficial. But it has a serious flaw—the information in income tax returns will run the risk of becoming public. And even worse, it can likely be misused by self-seeking public figures. Because of this, the information sharing idea is, on balance, obviously bad, and should be eliminated.

An editorial from the Shelby County Herald, Shelbyville, Mo., of March 20, 1968, amply explores and illustrates the explicit threat to the cherished American right to privacy which exists in the income tax information sharing regulations:

EDITOR'S OPINIONS

(NOTE.—The following editorials have been written, only in part, by the Herald staff, however, all editorials in this column are closely edited by the Herald publisher and are the opinions of the Herald editor.)

A MATTER OF DISCRETION

In Washington, the Internal Revenue Service has announced that, "Twenty-six states and the District of Columbia are participating in a Federal-State Tape Exchange Program with the Internal Revenue. The IRS said that furnishing states with income tax data in magnetic tape form is only the latest development in the Federal-State Cooperative Exchange Program that was authorized by Congress over 30 years ago. . . . Currently, the participants in this program are: Alabama, Alaska, Arkansas, California, Delaware, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, Tennessee, Utah, West Virginia, Wisconsin and the District of Columbia."

Precisely what is involved in this "Cooperative Exchange Program" is revealed by an editorial released by the U.S. Press Association last December 12, in which it was reported that the Governor of Pennsylvania was offering a county tax collector in that state a copy of the federal income tax return of every taxpayer in the county for approximately $35,000.

Further, the Internal Revenue Service reports the following "other states having pacts with the IRS . . .": Arizona, Colorado, Florida, Hawaii, Illinois, Maine, Minnesota, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Virginia, Washington and Wyoming.

Note that the State of Pennsylvania falls in this second group. Thus, it would appear that any State having a "pact" with the IRS may avail itself of the "magnetic tape" service.

This means that the taxpayer residing in every one of the states named above must realize that a copy of his federal income tax return will be made available to the governor of his state, and that the governor, in turn, may make it available to local or county tax officials.

To quote the IRS again . . . "tapes are made available to the states on a reimbursable basis. IRS is required by law to charge the recipients for the costs incurred in compiling and preparing data. . . . Under the law, the states have authority to make the information available to their subdivisions."

"INSPECTION" OF YOUR TAX RETURN

In explanation of its program of making copies of personal income tax returns available to state governors, and through them to local and county subdivisions, the Internal Revenue Service cites one additional reference, Section 6103(b) of the Internal Revenue Code of 1954. That Section reads:

"(2) State Bodies Or Commissions—All income returns filed with respect to the taxes imposed by chapters 1, 2, 3, and 6 (or copies thereof, if so prescribed by regulations made under this subsection) shall be open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in this paragraph. The inspection shall be permitted only upon written request of the governor of such State, designating the representative of such official, body or commission to make the inspection on behalf of such official, body or commission. The inspection shall be made in such manner, and at such times and places, as shall be prescribed by regulations made by the Secretary or his delegate. Any information thus secured by any official, body, or commission of any State may be used only for the administration of the tax laws of such State, except that upon written request of the governor of such State any such information may be furnished to any official, body, or commission of any political subdivision of such State, lawfully charged with the administration of the tax laws of such political subdivision, but may be furnished only for the purposes of, and may be used only for, the administration of such tax laws."

The key sentence in this section, it seems to us, is that which reads: "The inspection shall be made in such manner, and at such times and places, as shall be prescribed by regulations made by the Secretary or his delegate."

The fact is that the Secretary of the Treasury acting "within his discretion," has "prescribed by regulations" that the inspection of your personal tax return may be made by delivering to a state governor the tax return of every citizen in the State—whereupon the governor, in turn, may deliver it on to any subordinate official he wishes, right do to the local and county level.

Do you still think your tax return is confidential?

ON CONFIDENTIALITY OF TAX RETURNS

If you know a secret, and retain it, then only one person in the world knows. We may mark down that the knowledge is held by: 1.

If you share your secret with your wife, then we must make another entry. The composite now looks like this: 11.

But if you tell a friend, then a third entry is required. It now reads: 111.

That means that one-hundred-and-eleven people now know the secret. It is this very kind of progression that prevails when secrets are shared. And that is what is wrong with the practice of the Internal Revenue Service sharing our personal income tax returns with the states, and the states in turn sharing them with country or local tax collectors. All control has been lost.

The situation now is that a copy of your return goes to Washington; the governor of your state and the staff of the state tax office may be supplied a copy of the return; and the local or county tax office may have a copy of your return. In reality, probably more than 111 persons may share the secret. A recent employee in a state tax office was asked how many persons in his office, in actual practice, had access to a copy of a federal tax return supplied from Washington. His reply: "Anybody on the floor . . . several dozen people."

What possible protection is there against the possibility that someplace along the line there is an employee in financial straits more dire than your own, and subject to big-money temptation? What intimidation might you expect if the detail of your tax return fell into criminal hands?

For example: New York is one of the participating states. In upper New York there is a county with more than a million residents, including two large cities, which newspapermen will tell you is "owned" by the Mafia. In the words of one newsman. "The Mafia has a piece of everything in the county, right down to the collection plate in some of the churches." What would the Mafia pay an employee in that county's tax office for the tax returns of every resident?

The penalty is "not more than $1,000 or imprisonment for not more than one year, or both." Suppose a $100-a-week clerk were offered $100,000 for the returns? The Mafia would consider that a bargain.

The point is that the IRS has entered into an arrangement whereby it has no real control over the confidentiality of tax returns. Is it possible that the members of Congress are unaware of this practice?

IS IT LEGAL?

Is it legal for the Internal Revenue Service to "sell" copies of our personal income tax returns to the states, and for the state, in turn, to "resell" a copy to the local or county tax collector, or some other subdivision of the state?

Here is what the Internal Revenue Service says: "The availability of federal tax returns to state tax officials . . . is authorized in laws enacted by Congress . . . IRS does not deal directly with local subdivisions. It deals only with the state government and under the laws cannot tell the states how they should conduct their business, which is the established relationship between the federal government and the states. Under the law, the states have authority to make the information available to their subdivisions . . ."

Perhaps your reaction will be the same as was ours. Let's see the law!

First, the IRS cites Section 7515 of the Internal Revenue Code. Please read it:

"The Secretary or his delegate is authorized within his discretion, upon written request, to make special statistical studies and compilations involving data from any returns, declarations, statements, or other documents required by this title or by regulations or from any records established or maintained in connection with the administration and enforcement of this title, to engage in any such special study or compilation, upon the payment by the party or parties making the request, of the cost of the work or services performed for such party or parties."

Does that Section say anywhere that the Secretary of the Treasury may hand over a copy of your personal tax return to your governor, or county tax collector?

Then read Section 7809, which is the next reference cited by the IRS. It says:

"Except as provided in subsections (b) and (c) and in sections 4735, 4762, 7651, 7652, 7654 and 7810, the gross amount of all taxes and revenues received under the provisions of this title, and collections of whatever nature received or collected by authority of any internal revenue law, shall be paid daily into the Treasury of the United States under instructions of the Secretary or his delegate as internal revenue collections, by the officer or employee receiving or collecting the same, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description. A certificate of such payment, stating

the name of the depositor and the specific amount on which the deposit was made, signed by the Treasurer of the United States, designated depositary, or proper officer of a deposit bank, shall be transmitted to the Secretary or his delegate."

Did you find any such right spelled out in that section?

WHAT DID CONGRESS INTEND?

Did Congress intend that the Secretary of the Treasury make it possible for the governor of a state, and any subordinate he wishes, to have a copy of your federal income tax return?

It is not necessary to plough through debates in committee and on the floor of the House and Senate to find the intent of Congress. As a matter of fact, the intent of the Congress is very clear in a paragraph of the Internal Revenue Code which the IRS cites, the Section 6103 which we have quoted. Here is what paragraph (d) of the Code says:

"The Secretary and any officer or employee of the Treasury Department, upon request from the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a select committee of the Senate or House specially authorized to investigate returns by a resolution of the Senate or House, or a joint committee so authorized by concurrent resolution, shall furnish such committee sitting in executive session with any data of any character contained in or shown by any return."

Executive session means closed. It means secret.

Congress clearly was taking the most extreme precaution to protect the confidential nature of the taxpayer's tax return. No member of Congress, and no member of any standing or special committee of the Congress, could see a taxpayer's return except "sitting in executive session." The very imposition of the "executive session" restriction bespeaks the intent of Congress that the confidential nature of the tax return should be made inviolate.

But, the Secretary of the Treasury has, "within his discretion," made it possible for a governor, or any subordinate of the governor, right down to the local and county level, to have a copy of the return of any taxpayer in any county or city in the State. The Congressman elected from that Congressional district could not see that return, except in "executive session" of a Congressional Committee.

The secrecy of our personal, federal income tax return which we have always thought to be inviolate, has been violated. And it doesn't soothe any to realize that even our Congressman's income tax return is on those tapes being delivered to state and county officials.

Private Money for the Public Interest

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. MOORHEAD. Mr. Speaker, I think we could all agree that spending someone else's money should be a lot of fun. However, it is not all that simple.

McGeorge Bundy, president of the Ford Foundation—and formerly, Special Assistant to the President of the United States—discusses the role of foundations in today's society, pointing out some disadvantages and advantages, as a result of their special relationship with the Federal Government, in putting money to work.

Under unanimous consent I include, at this point in the RECORD, Mr. Bundy's fine remarks before the 18th annual conference of the Council on Foundations in Boston, titled "Government as Colleague and Petitioner":

GOVERNMENT AS COLLEAGUE AND PETITIONER

(By McGeorge Bundy)

Foundations are a remarkable invention. They are so remarkable and so varied, there are so many of them, and collectively, you all know so much more about them than I do that I have no intention of attempting a definition or a discussion of the task of the American foundation as such.

I thought instead that it might be appropriate, since I am only a little more than a year removed from Washington, if I were to talk about what I have come to believe is the necessary symbiosis between foundations and government—primarily the federal government, but other levels as well.

What is most remarkable about this question, in a way, is that both sides are so wary about it. The government, which often seems from foundations' side to be an inquisitor, an inspector, a potential monitor, and rule maker, approaches the American philanthropic foundation with great care, for it recognizes—how could it not—that this is a great and growing engine of activity in our society.

We are not growing, on the best statistics we have, quite as fast as colleges and universities as a group. Nor—and this is important because of its relation to the process of investment and ownership in American affairs—are we growing even one-third as rapidly as pension and retirement funds. We are growing, as I think you would all agree from your own experience, less quickly than the pressures of opportunity and obligation and need which fall upon us. And many parts of the government would hold that we are not growing nearly as fast as the government itself would like us to.

But we begin with the government as the agency whose laws, regulations, and processes define our ability to work effectively, by giving us a special relation to the tax rules of the nation.

It can be argued that we would not be in very great trouble if we were not tax-exempt, and paid taxes like other business organizations. The hypothesis is that we could easily contrive to conduct our business so that we had nothing to be taxed. This is quite often true, especially of organizations which are more prepared to spend their money upon studies or investigations than to make grants directly for other agencies' operations. By and large, we have not chosen to advertise that alternative. We do, in fact, accept and enjoy a kind of privilege which is—and has been through history—unusual in the societies of the world, which is accepted in the United States, and which places us in a special relation to the government of the United States.

THE OBLIGATION OF CANDOR

The first consequence of that relationship is, I think, that we must accept the privilege as one which has to be earned and justified. And the principal process by which we earn and justify it is not so much in all the good and kind and popular things that we do. We are, after all, supposed to be doing good. Our principal obligation is to have it *known* what we are doing. We get notice when we do conspicuous things or—as we should from time to time—unpopular things. But full disclosure has not always been the invariable or general practice among philanthropic foundations.

I emphasize this because I believe that the disarming effect of candor in our kind of activity is very difficult to overestimate, that a government which finds itself banging on an open door is at once startled and placed on the defensive. What stirs wariness and suspicion is a feeling that people don't quite know, perhaps, what these so-called, self-styled, charitable good-workers are doing.

The government, then, licenses a way of operating for all of us, and the corresponding obligation upon us, the fundamental one, is that what we do should be known. Now, in the formal sense, that means reporting to the government. But in the wider sense of public responsibility and of the processes of a democratic society, it means accountability to the society as a whole.

I don't think we should yield, insofar as we can avoid it, to the very natural temptation to do good quietly. That may be the right of the individual philanthropist; I think it is. But the corporate philanthropist has a corporate obligation. I do not think we serve ourselves or the public interest, or the long-range relationship between foundations and political authorities, if we are not prepared at all times to say as clearly, as straightforwardly as we can, what it is that we are doing.

The converse of that is, in my judgment and in my experience, that those who hide nothing—however unpopular—have much less to fear than those who have nothing to hide but do so anyway. Even if what was done was the topic of somebody's angry editorial or somebody else's annoying insertion in the *Congressional Record*, if you talk about it and explain it, the chances are overwhelming that there will be much more understanding and sympathy than suspicion and criticism.

Seventy-five per cent of the public misunderstanding of the processes of government arises from ignorance rather than from real and painful experience. This is equally true of the field of foundations—what they are about, and why they deserve to have and to keep various advantages which the law provides.

THE GOVERNMENT AS COLLEAGUE

The way to deal with the government is not to regard it as a distant, hooded, nameless adversary. It is, after all, a collection of human beings who, in varying ways, are discharging the obligations placed upon them by political authority which has been duly constituted and who will respond to reasonable communication.

But the licensers and watchmen are only one part of government. Around the corner and across town are other parts of government. Of these, right now, the largest is the government *as* a foundation, or rather a group of foundations. This is one with which we find ourselves dealing nearly every day.

In the Ford Foundation, for example, we find it necessary to maintain intensely continuous communications with people in government concerned with health, education, poverty, labor and manpower, overseas development, and other subjects of mutual interest. There are six or eight large, bureaucratically-managed organizations—no more and no less bureaucratic, I dare say, than our own—spending very much larger amounts of money, any one of them, in a month than we would spend in a year. All, in the main, are concerned with the process of handing these large sums to other people for use under the terms and conditions of this or that statute, or this or than internal guideline.

This is not so very different from the processes which we ourselves carry on under guidelines established either by the Trustees—analogous, in this case, with the Congress—or by the staff or senior officers of the Foundation—analogous in this sense to the senior men in the executive branch.

The difference is one of magnitude. On matters in which the Ford Foundation is active, the government spends something on the order of $20 billion a year, and we spend $200 million. It is, therefore, a rather rare case where we spend more, on the average, than something like 1 per cent of what government is spending. Even where we are large partners, the Foundation rarely spends more than 5 or 10 per cent of what government spends.

There are special situations. The Ford

Foundation spends more than the government in the fields of humanities and the arts. We have been unsuccessful so far in escaping from a situation in which we spend more than the government on certain kinds of work in the field of population. But these are imbalances which, as citizens, we seek to repair. There is no feeling on our part that there is any advantage in being larger than the government.

In fact, the adjectives we would like to use in our relations with the government are those which the little man traditionally thinks of when he looks at the big man. You know: he may be big, but I am bright; he may be heavy, but I am quick. And they are, indeed, the same advantages that other foundations sometimes have, and often claim, as against the Ford Foundation.

The government is going to be more a foundation, or series of foundations, before it is less. Its disadvantages of inflexibility and kind of supervision are balanced by advantages of mass and momentum. At its best its activities in this field have both more seniority and, overall, as good a batting average as any of us would wish to claim. The National Science Foundation, for example, is just as old as the Ford Foundation and much larger. In the field of scientific research, it is preeminent in the United States and it deserves its preeminence.

We have to look at government, therefore, not only as a licensing agency but also as a partner, a very large partner, and a very effective one. And I for one see no pain in that. The government has resources and responsibilities; the public society has a right to make judgments as a collectivity, just as it has a right—and, I think, is wise—to permit and to encourage the separate choices and judgments which private foundations make.

CONNECTING WITH THE GOVERNMENT

The government as foundations is important not just as a grant-making organization, but also as a source of information on questions of substance. It has information; it also needs information. Just as the exchange of information among foundations—which was slow to develop but is now rapidly growing, and of which this Council may be the principal exemplification—is reinforcing and encouraging to us, so the wider and more general process of exchange of information with government is reinforcing to us.

One can even say, I think, that to the extent that we have less restrictions upon us, fewer political obligations, and are able to move more rapidly and with a higher degree of flexibility, one of our roles in discharging our obligations and meeting our own purposes is precisely to be in communication with the government. It is also a good way of moving forward the concerns to which any of us may have a dedication.

Let me take again an example much in our minds at the Ford Foundation: the problem of understanding the forces which make for growth and restraint in human population, and of action on the basis of that understanding, by democratic concern and in accordance with the practices of each society in its turn. If it be true, as we think, that this problem is one of the three or four that belong at the head of the agenda, and if the costs which are implied—both in achieving understanding and in social action as agreed and consented to and wanted—are larger than the resources available outside government, then it seems entirely proper that we should state our views, privately as appropriate and publicly as need be, to the government. And we should be prepared to consult both professionally and in terms of social behavior and social policy to, with those to whom it is appropriate to direct these views. Indeed, it is almost a necessary result of our own concern and understanding.

Each of you, as you run across a current, modern social problem, will have the same problem of connection with the government. It makes no sense, in the last third of the twentieth century, to suppose an arbitrary division between what is done publicly and what is done privately. One of the responsibilities of the private organization, is, in fact, to concern itself with the relationship between the problem it is attacking and that part of the problem which, on honest assessment, it believes is also a part of the responsibility of political institutions and political forces.

Now, that leads to another point, one I think is very interesting. The government is changing very rapidly as it struggles to respond to the enormous and growing range of current problems—more rapidly in fact than the foundations. In some places, as I have hinted, it seems too slow. But in others, the very issues to which it is addressing itself are so imperfectly understood and the need for action so great that the action very often precedes any precise understanding of what it makes sense to do.

The government, in a word, gets confused and makes mistakes and finds itself wrestling with problems which it simply does not understand. The whole complex of problems which is the modern American city, may be the most striking single example.

We ought to have been quicker and more alert than we were, both in identifying the great problem which is the modern city and in seeking out a deeper, more effective perception of the elements of that problem and ways of dealing with it. But we did make a beginning, and we played a large role in helping to shape government response to it.

And here is another role for private citizens and foundation money working together: not simply as licensees or junior partners or consultants, but also as constructive critics of the government—sources of ideas about how it can do its business better.

The government is not without instruments of self-criticism, both within the executive branch and in the interplay between the executive and legislative branches. There are many other forces in our society, particularly in the political arena, from which we can expect critical comment as well. But analysis and understanding generally require something more than the winds of political debate, and for that I think there is a special responsibility upon those of us who have genuinely independent funds to put to work.

It is not a healthy thing for any of us to get so deeply involved working with government, or alongside government, on the poverty program, the foreign aid program, the needs of education—I pick three in which we happen to be deeply engaged at the Ford Foundation—that we cannot turn upon the government and tell it a few home truths. If we cannot claim certainty of judgment or righteousness, we can at least claim the right and the responsibility for independent comment. That is one of the justifications for our existence.

GRANTS FOR GOVERNMENT

There is yet another, curious and rapidly growing, relationship between foundations and the government, in which the government appears as a petitioner for funds. Mayors and remakers of the insides of cities, human resource administrators, skillful governors, and imaginative public education officials have learned, and it is right that they should have learned, that one way of meeting some of their problems is through help from foundations. Often the brighter governments are the most frequent petitioners, and the very men who have made reputations by their skill in extracting funds from the federal government are to be found engaged in what is essentially the same process at the doors of foundations.

We have to meet them there—on rules and conditions, to be sure, which certainly will vary from one foundation to another. But I doubt if it would make sense to have a general rule never to make grants to government agencies. We certainly have no such rule at the Ford Foundation, although we often wish we did. It would cut down on the volume of conversation which doesn't lead to results. Yet we don't really want to foreclose conversations that do lead to results, so we have that kind of relationship also.

The question always is, of course, when is a given plea the sort of thing which it makes sense for a foundation to do, and when is the man simply coming in because he cannot stand one more fight with his board of estimate, or council, or legislature, or because his man in charge of this or that has been imprudent in planning and stopgap funds are needed?

A special but persistent case, which affects the entire private sector, and not foundations alone, is the absence of any provision in most units of American government for the start-up costs of a new administration. In the federal government there was such a problem in the turn of the year 1960–61. It was mitigated by the fact that the Senator from Massachusetts who had been elected did have access to private resources, but that is not always going to be true. It is conspicuously not true in most state and city government transitions. Yet government's effectiveness in our society turns enormously on the speed with which a management can begin to assert itself. And the time set aside between election and inauguration in most of our constitutions and charters—a longer time than is allotted in most democratic societies—cannot be used effectively if there are not staff and resources to cope with the work which fills to overflowing the time of transition for those who are coming in.

That is a special case, but it illustrates a relationship with government which deserves a special state of mind on our part. It is quite distinctly different from our relationship to government as a licensing authority, as an active group of foundations itself, and as a fascinating topic for study and criticism.

I have said enough, I hope, to suggest to you that this relationship between foundations and government is not linear. It does not take place across a single no man's land, but rather exists through a number of different dimensions in which the human beings who happen to hold government office and the human beings who happen to be accountable for the work of foundations live together, but play quite different roles one to another at different times.

What I would affirm, but what I cannot possibly prove, is that on the whole, whether we are making ourselves accountable to them or they are being subjected to our criticism; whether we are passing most of a field of activity to them because their magnitude or the social urgency of the problems make it necessary, or we are giving them a hand at a particular moment of fiscal or inventive crisis; whether we are urging upon them the initiation or expansion of one kind of activity, or the cessation of another; the relations all exist within the premises of a plural and democratic society.

Government, no less than foundations, is composed of many kinds of men and women. They have many differing responsibilities, and they need the varied kinds of independence, cooperation, licensed candor, responsible assistance, independent judgment, mature self-respect, self-confidence, and readiness to act and take the consequences, which I think our society is coming to expect more and more of the American philanthropic foundation.

You don't have to be in the foundation business very long to know that it can and should be better than it is. You don't have to be in it very long to acquire a counterbalancing understanding of how hard it is really to do it well. You don't have to be in it any time at all to know the comforting values of company. We in the Ford Foundation are proud that we are part of a general national enterprise. We are delighted that there are so

many others pursuing it. We have the same feeling about your growth that we have about the growth of government activities. We are spending a lot of our time now explaining what happens to be true—that we don't have as much money as people think, or as they could constructively use. You are in the same boat. This is the only place in the country where we can all understand together and sympathetically how very poor we are.

Philadelphia Inquirer Commends President's Action

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. EILBERG. Mr. Speaker, the Philadelphia Inquirer has extended its highest praise to President Johnson for his "noble gesture, undertaken with dignity and grace" to unite the country in its time of travail.

The cynical will search for ulterior political motives—but to no avail, for they do not exist.

President Johnson wanted to unite a divided nation and end an ugly and bitter war—even if he had to sacrifice his political life to accomplish them.

To bring about a national reconciliation, President Johnson has pierced the bubble of venom which would have followed him in a campaign. To secure unity of purpose, he has sacrificed personal considerations. To bring peace to Southeast Asia, he has taken Vietnam out of the political arena.

He will now—as has been his wish—be able to devote his full energy to the duties of the Presidency. Electioneering will not divert his attention from seeking peace in Asia and unity in America.

History will mark his actions as the true sign of greatness. As the Philadelphia Inquirer put it:

History may still record that President Johnson's finest hour in office came as he was announcing his relinquishment of it.

I ask unanimous consent to insert into the RECORD the editorial from the Philadelphia Inquirer praising the President's actions:

WITH DIGNITY AND GRACE

In an election campaign that has been surfeited with the unexpected, President Johnson has provided a moment of high drama with his announcement that he will not run for another term.

The President had already, in the course of his speech, announced a radical change in U.S. policy in Vietnam, calling for the stoppage of the bombing in 90 percent of the territory of North Vietnam and inviting Hanoi to join in mutual moves toward peace.

It was his statement taking himself out of contention for the Presidency, however, that topped everything else in its importance as well as in dramatic effect.

The "why" of the Johnson decision was expressed in the simplest terms by the President himself: He wants to unite the country. He believes it is necessary for him to step aside if the country is to achieve that unity.

He wants an honorable peace in Vietnam. He knows there is a deep and growing divisiveness in America over his policies. To bring about reconciliation, he is willing to put aside personal partisan considerations.

His is a noble gesture, undertaken with dignity and grace. He is unwilling to take the time and effort required for electioneering that he thinks should be devoted completely to the duties of the Presidency in a period of travail.

There are few Americans, we are sure, who can be untouched by the President's act, and the spirit of patriotism and generosity that motivated it. A wave of sympathy and understanding has already enveloped him, and will, no doubt, help sustain him in difficult days ahead.

From the practical political standpoint, there were some harsh reasons for the Johnson decision: Senator McCarthy's showing in the New Hampshire primary and the visible signs of an impending McCarthy victory in Wisconsin on Tuesday; Senator Robert Kennedy's entry in the race for the nomination; growing evidence that the President would have to inject himself actively in the pre-Convention campaign if he wanted the nomination; and the mounting belief that, in the divided state of the country and of the Democratic Party, the nomination might in the end prove not worth winning.

Politically, all of the repercussions from the Johnson retirement are yet to become manifest. The edge has been pretty much taken off any McCarthy victory in Wisconsin, and both the Minnesota Senator and Kennedy have suddenly found themselves bereft of their main target. The candidate to whom Johnson will shift his support may or may not be Vice President Humphrey; it may even be McCarthy. Or—something that cannot be ruled out, particularly if there is a sudden change for the better in Vietnam—the President may yet be prevailed upon to change his mind.

Obviously, a great deal depends upon Hanoi's reaction to the President's latest effort to attain peaceful settlement. The political practicalities may induce the North Vietnamese to sit tight and await the outcome of the Presidential election in November, rejecting any and all efforts by a "lame-duck" President. On the other hand, outside pressures may force Hanoi, at last, to the negotiating table.

History may still record that President Johnson's finest hour in office came as he was announcing his relinquishment of it.

National Fire Service Recognition Day

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. REINECKE. Mr. Speaker, the brave firemen, who perform the hazardous duties that protect us all, would be appropriately honored by enactment of the resolution which I have introduced today.

By its terms, the President would be authorized to proclaim the second Saturday in May of each year "National Fire Service Recognition Day."

Our country's firemen deserve this honor for their devotion to duty under difficult and dangerous conditions. Men who brave the hazards of fire, occasionally need such formal praise to help bolster their stanch spirit; once a year will not be too often to acknowledge to them our gratitude for what they do at very great risk to their health, their safety, and their very lives.

The words which appeared on a commemorative stamp of 1948 honoring the 300th anniversary of volunteer firemen in America apply as well to our professional firefighters: "Unselfish Public Service—Courage—Duty."

Radical changes have come about in the techniques of firefighting. No longer are fire engines drawn by teams of galloping horses. Gone forever are such horses, along with the leather water buckets that once were part of the apparatus of firefighting. Efficiency and speed have been gained by our modern fire departments, even though some of the colorful aspects of the firefighting of the old days may have been lost.

Such technological improvements must continue. One of the major problems confronting fire departments is that firefighting has long been thought to be strictly a local responsibility; yet, local governments do not have the funds needed to finance needed technical innovations in firefighting equipment. A recent nationwide conference on fire-service administration, education, and research has called for consolidating small and outmoded departments into larger units and for seeking research help from the Federal Government. I favor such research with Federal assistance.

Until that assistance is forthcoming, the very least we can do for our firemen is to enact this resolution authorizing National Fire Service Recognition Day.

Out of Left Field

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. ROSENTHAL. Mr. Speaker, I am proud to count within my district one of New York City's unique contributions to American civilization, the New York Mets. As any New Yorker knows, the Mets are truly amazing; the team is certainly a source of constant bewilderment to me. This week, though, with the advent of both the spring baseball season, and a very special spring political season, I am not at all sure about which promises to be the more amazing.

Can the leader in the Grapefruit League take the pennant? Does the team need a new cleanup batter? What changes have rookies, off-season trades, and spring holdouts made in this year's pennant race? And what about that sore arm on our veteran pitcher? Yes; a new season is now with us, and we can now settle down to the spring pleasures of anticipation guesswork, and high hopes that accompany every new season. And this is true of baseball, too.

A recent article by Robert Lipsyte in the New York Times of March 25, 1968, tells us exactly how seductive the language of baseball can be for political commentators. As we prepare to play ball, I hope that the article, which follows, can give us some sign of what to expect.

The article follows:

OUT OF LEFT FIELD

(By Robert Lipsyte)

When George Romney withdrew from the race for the Republican Presidential nomination last month, an observer was quoted as saying: "Nixon never even had to lay a glove on him." Richard Nixon's comment was:

"Now, it's a new ball game." When Robert F. Kennedy recently declared himself a contender for the Democratic nomination, Governor Rockefeller said: "the ball's loose on the field." Senator Eugene McCarthy said last week that Kennedy "plays touch football, I play tackle. He plays softball, I play baseball. He skates in Rockefeller Center, I play hockey." And last year, as if foreseeing this kind of talk, President Johnson said: "If I decide to run, I'll win and I'll be here . . . just give me my runs, hits and errors."

According to most poorly regarded political sources, this year's campaigns are going to be the most hotly contested races since 1951 and 1962, when the Giants nipped the Dodgers in runoffs. The campaigns will be heightened, it is said, by the use of sports metaphors to give citizen-fans a greater sense of involvement and to obscure real meanings. An example often cited was the announcement by Senator Thruston B. Morton that he would not seek re-election. The Kentucky politician explained: "I suppose I'm just plain track sore."

DON'T GET PICKED OFF

Even now, in rusty lockers throughout the country, active minds are scooping up sports metaphors for every political eventuality. Should Mayor Lindsay of New York, often described by party coaches as a "real fine major league prospect," be brought up to the big team, his friends will applaud his "coming off the bench with the team down and hurting." Should Senator McCarthy withdraw suddenly in favor of Senator Kennedy, some people will say he "was running interference all along." Governor Rockefeller, who some people see as a "future draft choice," is waiting to "be called in the bottom of the ninth."

Political sports talk, with all its folksiness and vagueness, will be particularly handy for hurling invective this season. There is no percentage in charging that a man is soft on Communism when you say, with a grin, "He goes to his left pretty good." Why charge an opponent with ducking the big issues when you can say, especially in hockey expansion cities, "you can't ice the puck forever in this league." After an opponent has made a nasty attack, a politician could say, "His backhand is pretty good, but he can't keep his serve on the court." In other socio-economic areas, it might be better to say, "His spin is pretty good, but he can't keep his delivery out of the gutter."

In certain situations, especially if the politician is in his own ball park, he might say: "If he put any more spit on that ball, he'd drown us all."

TRIM SAIL AND HEAD HOME

As political sports talk proliferates, the contenders will have to let rookies "field the hot ones" while they, more sophisticated, "try not to get burned in the secondary." It will no longer do to "have my innings" when "there's another chukker to go." Any state Assembly hopeful can talk about "a team effort, we're all feeding the center," but the Man Who is the man who says, "One rower pulls a crab and the shell goes down." The greenest Congressional candidate can try not "to fumble the baton" but it takes a Most Valuable Player "to rate his horse in the stretch."

The course is laid with traps and hazards, naturally. The politician who "leaps out of the blocks and into the pivot" is a certain strike-out victim. Into the penalty box for any player who "tosses a haymaker over the centerfield wall."

But the run for daylight has comfort stations, too. Is President Johnson "goal-tending?" Are you afraid Governor Reagan will throw "a blind side tackle?" Will McCarthy, at fourth down, punt?" Is there a chance Romney will climb back into the ring? What about Hubert Humphrey, will he be a penalty killer all his life? The fronton will be fraught with political sports talk until the final moment of play when the one with the most heart and desire, the Best Man, learns that it doesn't matter how he covered his position as long as he got it up on the scoreboard.

Firearms Legislation

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. DINGELL. Mr. Speaker, I insert in the RECORD an excellent article appearing in Gun Week, published in Sidney, Ohio, on March 22, 1968, pointing out that officials of the Federal Government have at long last conceded that some of the doubtful statistics on the highly questionable firearms legislation now pending in the Congress, sponsored by the administration, are neither official nor accurate.

It would appear that legislation directed at depriving American citizenry of a legitimate privilege and right would be based upon the most exquisite care and upon the most appropriate and valid statistics.

Apparently neither circumstance is so in the case of the so-called Dodd bill, or the administration's firearms legislation.

Perhaps this provides the basis for further scrutiny of the poor handling of the firearms problem by the Department of Justice and the Department of the Treasury. Not only have their statistics been bad, but their handling of enforcement has been incredibly poor. Too few people have been utilized for adequate enforcement of existing law, while these agencies greedily strive to have more legislation with which to strike body blows at law-abiding sportsmen, homeowners who seek firearms for the defense of their homes, and at an industry which behaves with extreme care in its public and private activities.

The article follows:

OFFICIAL CONCEDES L. B. J.'S STATISTICS ON GUNS NOT OFFICIAL NOR ACCURATE—CREDIBILITY GAP CHARGES HURLED

A key Justice Department official has conceded that statistics used by President Johnson in support of his gun control bill are neither official nor accurate.

The acknowledgement has been cited as "astonishing evidence of the gun control "credibility gap."

On February 9 President Johnson, in calling for passage of his gun bill as part of his crime program, told Congress "An estimated 750,000 Americans have died by this means (firearms) since 1900—far more than have died at the hands of all our enemies in all the wars we have fought."

The statement, which has frequently been used by advocates of the Administration bill, was challenged in a letter to President Johnson by Alan S. Krug, author of numerous articles and technical papers on firearms control while an economist at Penn State University. Krug was recently appointed assistant to the director of National Shooting Sports Foundation.

A reply to Krug's letter, written by Fred M. Vinson Jr., Assistant Attorney General and head of the Justice Department's Criminal Division, acknowledged that the "sources of the Administration's statistics relating to the incidence of death attributable to the use of firearms . . . (was) Carl Bakal's recent book "The Right to Bear Arms . . ."

"Concedingly," Vinson added, "it is extremely difficult to come up with an accurate and precise set of statistics reflecting the number of deaths which can be attributed to firearms . . . however, I think it unfortunate that there can be statistics, however accurate, which make it clear at least a high number of deaths have occurred. . . ."

Krug told Gun Week he was "amazed that such a key official would make an admission of using manufactured statistics 'however accurate' or however inaccurate, to promote their solution to the problem.

"I don't recall ever having seen such a bald-faced admission of the 'credibility gap' in action," Krug added.

Krug in his Feb. 13 letter to President Johnson quoted the President's "estimated 750,000" firearms deaths statement and said:

"The particular statistic which your speech writers chose in this instance is a very misleading one. It was originally manufactured by a New York City press agent to help sell an extremist anti-gun book. There are no reliable data available from any public or private source to substantiate it.

"J. Edgar Hoover, Director of the FBI, said in reference to this 750,000 figure that 'This Bureau does not have any reliable figures or estimates on the total number of Americans killed by firearms since 1900. We began compiling data on this subject in 1961. . . .'"

The quote from Hoover came from a Nov. 21, 1966 letter from the FBI Director to Gun Week.

Krug's letter continued: "The implication made is that all of these 750,000 people were 'murdered with guns.' Aside from the fact that the 750,000 statistic is in itself a fabrication, it is obvious that it includes deaths due to criminal homicides, accidents, and suicides, with the latter comprising by far the greatest part of the total.

"You also said '. . . handguns—the use of which has more and more characterized burglaries . . .' To the best of my knowledge, neither the FBI, the National Crime Commission or any other agency or organization has data on the number of burglaries which have involved handguns. As a researcher interested in this subject, I would certainly appreciate receiving any such data that you might have.

"On October 15, 1966, you told the Conference of State Committee on Criminal Administration that 'We will continue to fight for legal authority to end indiscriminate sale of firearms in the face of 17,000 Americans shot to death each year.'

"Here again, your speech writers made an unfortunate choice, representing the 17,000 deaths to be the annual number of murders committed with firearms. In 1965, the number of criminal homicides involving firearms was but 5,634. Suicides involving firearms totaled 9,898.

"The use of such misleading statistics makes it very difficult for interested parties to reach any agreement on the enactment of new firearms legislation. Sportsmen, while they have endorsed numerous firearms bills at the federal level, know the true facts about the extent of the misuse of firearms in crime. It is only through dissemination to the public of the true facts that compromise may be reached."

The text of Vinson's reply, dated March 1, 1968, states in full:

"President Johnson has asked me to thank you for your letter of February 13, 1968.

"As you may be aware, the sources of the Administration's statistics relating to the incidence of death attributable to the use of firearms and the death totals for American wars contained in recent public statements were Carl Bakal's recent book, "The Right to Bear Arms," and the Department of

Defense, respectively. I am attaching for your perusal a statement by Attorney General Clark in support of the adoption of the proposed State Firearms Control Assistance Act, which I trust will be of interest to you.

"Concedingly, it is extremely difficult to come up with an accurate and precise set of statistics reflecting the number of deaths which can be attributed to firearms.

"Just to add a personal note, however, I think it unfortunate that there can be statistics, however accurate, which make it clear that at least a high number of deaths have occurred due to the lack of Government action to prevent the indiscriminate availability of dangerous weapons to almost any individuals, however irresponsible.

"Your interest and concern in writing to the President are appreciated."

Signed, "Fred M. Vinson, Jr./Assistant Attorney General."

Krug commented that "Vinson's statement that 'a high number of deaths have occurred due to the lack of Government Action' is as unproven as are the President's statistics. Not one single scientific study has ever shown any gun control law to have been effective in reducing any crime rate."

Krug said he has just completed a new paper on firearms misuse in crime which explores the misuse of statistics "such as the '17,000' and '750,000' concocted by backers of gun control bills."

Sicilian Earthquake Victims

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. ROONEY of New York. Mr. Speaker, on January 25, 1968, I introduced the bill, H.R. 14854, which would provide for the relief of certain distressed Italian aliens. In this connection, I am including herewith a copy of a letter I have today addressed to the Honorable Ramsey Clark, the Attorney General, Department of Justice, Washington, D.C., urging the Attorney General to grant a request made by my distinguished colleague, the dean of the House of Representatives, the Honorable EMANUEL CELLER, to exercise the discretion contained in section 212(a)(5) of the Immigration and Nationality Act by admitting to the United States 5,000 homeless victims of the recent Sicilian earthquake.

The letter follows:

APRIL 3, 1968.

Hon. RAMSEY CLARK,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR RAMSEY: Congressman Emanuel Celler, Chairman of the House Judiciary Committee, advises me he recently addressed a letter to you, signed by himself and members of Subcommittee Number One, requesting you to exercise the discretion contained in Section 212(a)(5) of the Immigration and Nationality Act on behalf of 5,000 homeless victims of the January 1968 earthquake in Sicily.

I have been deeply concerned by this tragedy, and in late January introduced a bill to issue 5,000 special immigrant visas to the victims. I have great affection for the Sicilian people and have visited them many times in their homeland. There are also many relatives of these fine people in my constituency, and I am anxious to help them at this time of their great concern.

The purpose of this letter today is to urge you to comply with Congressman Celler's request on behalf of these 5,000 Italian nationals who were uprooted by the earthquake and are unable to return to their homes.

I think the use of the parole provisions of the law is the most expeditious way of assisting these unfortunate people. I hope you can find your way clear to grant this humane request by Congressman Celler, which has my complete support.

With kindest regards,

Sincerely,

JOHN.

Concurrent Resolution of the Kansas Legislature on Advance Payments Under the Federal Agriculture Program

HON. ROBERT DOLE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. DOLE. Mr. Speaker, on many occasions I have called for immediate action by both the Congress and the U.S. Department of Agriculture to alleviate the very serious farm income situation. Among the actions I have recommended is the matter of making advance payments to cooperators in the wheat and feed grain programs.

In view of the serious effects of the decline in farm income on the economy of my State, the Kansas Legislature has adopted a concurrent resolution calling for advance participation payments under the Federal agricultural program. I include this resolution in the RECORD at this point:

HOUSE CONCURRENT RESOLUTION 1060

Concurrent resolution concerning advance participation payments under the federal agricultural program

Whereas, While the well-being of the economy of Kansas is dependent in large measure on the agricultural sector, this sector has declined and continues to decline; and

Whereas, Several factors have contributed to this decline, among the most important of which have been depressed wheat, feed grain, and livestock prices; and

Whereas, Coupled with these factors have been the increasing cost of doing business, including the restrictive effects of current tight money policies and high interest rates; and

Whereas, There is a continuous reduction in the number of family-size farms, with those remaining experiencing difficulty in obtaining adequate operating capital at reasonable cost; and

Whereas, The average price received by Kansas farmers, for hogs in October, November and December of 1967 was 13.4% less than the same period one year earlier and in the same period the Kansas producer received 17.8% less for wheat, 19.5% less for his corn, 11.6% less for his soybeans and 37.5% less for his eggs; and

Whereas, The average market price received by farmers in October, November and December for wheat was 54% of parity; for grain sorghum, 66% of parity; for soybeans, 74% of parity; for hogs, 70% of parity; for beef cattle, 76% of parity; for butterfat, 77% of parity; and for eggs, 57% of parity; and

Whereas, the declines in grain and livestock prices and the increases in the cost of doing business have a direct and depressing effect on agricultural business, as well as on the other business activities in the Kansas communities, with a consequent decline in business activity in the smaller communities of the state which are more closely and directly dependent upon the agricultural economy; and

Whereas, There are present indications that the practice of making these advance payments will be discontinued, with all payments being made after the completion of the harvest: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: (1) That it is vitally necessary to stimulate the agricultural sector of the economy of Kansas; and

(2) That the discontinuance of advance participation payments from the United States department of agriculture would depress rather than stimulate the agricultural economy; and

(3) That the United States department of agriculture be requested to continue the present program of making advance payments under the federal agricultural program; and

Be it further resolved: That the secretary of state be directed to send enrolled copies of this resolution to the president of the United States senate, the speaker of the United States house of representatives, the secretary of the United States department of agriculture and to all members of the Kansas congressional delegation.

I hereby certify that the above concurrent resolution originated in the House, and was adopted by that body January 30, 1968.

JOHN J. CONARD,
Speaker of the House.
C. O. HAZEN,
Chief Clerk of the House.

Adopted by the Senate March 8, 1968.

———,
President of the Senate.
RALPH E. ZARKER,
Secretary of the Senate.

Spending Priorities

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, continued interest has been shown in a recent proposal advanced by me in concert with seven of my colleagues. For the information of my House colleagues I include as part of my remarks two editorials on the proposal we presented to establish national spending priorities and create a human renewal fund for the urgent needs of the cities.

[From the Neenah-Menasha (Wis.) Twin City News-Record, Mar. 20, 1968]

WHERE GOP WOULD CUT SPENDING

A group of House Republicans has finally come through with definite proposals for cutting non-essential spending a demand the GOP has been making for years.

After ticking off sharp cutbacks in some sensitive areas that would save $6.5 billion in federal spending, the six House representatives, including Steiger of Oshkosh, call for spending $2.5 billion of the savings on a "human renewal" fund to meet pressing urban needs.

These are the spending priorities they have so often asked the Johnson administration to establish.

Though there probably is considerable political motivation behind the "human renewal" fund, some of the cost saving measures are bold and deserving of attention.

The six would save more than $2 billion by a 60 per cent reduction in troop commitments in Europe. This step would bring severe reverberations in NATO, especially West Germany. But our European allies have

shown an increased willingness to go their own way, while refusing to take on a proportionate share of the responsibilities in other parts of the world. The time may have arrived for a major troop withdrawal.

The GOP proposal would also cut $222,000,000 from the supersonic transport program, $400,000,000 from the civilian space program, $400,000,000 by freezing moderate to high income apartment program, $700,000,000 by further slices in foreign aid, $961,000,000 by reducing federal government employment by three per cent, $85,000,000 from the highway beautification project and $200,000,000 from a deferral of public works projects.

One of the more dramatic thrusts is to put a $10,000 maximum limit on how much one farm can receive in subsidies. This would save $410,000,000 according to the six Republicans.

Some of these reductions no doubt will show up in the President's spending cutbacks that are being demanded by Congressman Mills before passage of a tax increase.

But at least the six Congressmen have put their names on the line, instead of just echoing the standard and very general GOP line about reduced spending. This time they have said where.

The other side of the program would involve increased spending in the areas vocational and technical education, low income housing incentives, air-land-water pollution, crime control, tax credits for industries moving to rural areas and District of Columbia education. These areas have higher spending priorities than the administration is giving them, according to the Republicans.

"It is imperative that we put first things first. While we are spending $30 billion a year on Vietnam, desirable but low priority programs must be deferred. Only tough priorities will meet the long neglected critical needs of our people," they state.

Tighter spending priorities are definitely needed, and the cuts ticked off by the six GOP representatives deserve a hard look by the administration.

[From the Appleton (Wis.) Post-Crescent, Mar. 22, 1968]

PRIORITIES FOR U.S. SPENDING

Wisconsin Rep. William Steiger is among a group of 47 House Republicans who have come forward with a proposal for a $2.5 billion human renewal fund to attack some of the problems of the urban crisis while at the same time listing $6.5 billion which could be cut from federal spending in other areas. This is the type of activity which should be taking place in Washington these days.

The nation is faced with a shifting of spending priorities because of the dollar crisis, the urgent problems of its cities, and the cost of the war in Vietnam which must be met regardless of the outcome of the debate over what our policy should be for Southeast Asia. Until the threat to the dollar from the gold crisis. President Johnson answered calls for spending reductions only with questions about which programs could be cut. He liked to phrase the question with reference to programs with political support, as highway aids and school milk.

The group of congressmen has illustrated that it is possible to do more than pose self-answering questions and still recognize the nation's most pressing problems. It has made these suggestions:

A $500 million program to promote jobs and job training in private industry, an idea similar to a proposal of the President's Commission on Civil Disorders. This proposal would double the money going to vocational and technical education.

A $250 million program for rent certificates to use existing housing and to finance the plan of Sen. Charles Percy for stimulating private industry to produce an estimated 325,000 new housing units.

Another $250 million to battle air and water pollution.

A $100 million model tax credit fund to encourage industry to expand plants in rural areas.

The congressmen propose that the places for spending $1 billion be determined by the results of hearings before a House Republican task force on urban problems.

And what about the tough nut of where to cut spending?

The Congressmen suggest that 200,000 men can be removed from our military forces in Europe. While such a redeployment must not be knee-jerk response to our involvement in Asia, a re-examination of military strategy for Europe is in order.

The House Republicans also list pork barrel public works, public buildings, nonmilitary research, the supersonic transport, and government publicity programs which now total $450 million a year as subjects which must have a priorities examination now because of more important spending pressures elsewhere.

In a tardy response to the gold crisis, the President now says $9 billion in spending should be cut and that the 10 per cent surtax must be enacted. If the President really is looking for help in reforming spending priorities, the White House should examine the proposal of the 47 congressmen to roll back the total budget while still meeting some of the pressing needs of the urban crisis.

A Great and Generous Proposal for Peace

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. WRIGHT. Mr. Speaker, President Johnson has eloquently summed up America's desire to find a peaceful and honorable end to the war in Vietnam.

The President did more than merely discuss America's hopes. He forcefully and dramatically proved our sincere desire for peace by halting the bombing of most of North Vietnam, without setting any preconditions or the requirement of any prior mutual actions by Hanoi. Thus, there can be no rational argument about whether this administration has gone far enough to demonstrate its strong and earnest hope for a peaceful settlement in Vietnam. President Johnson went as far as he possibly could go without placing American troops in jeopardy.

The aim of this major step toward de-escalation is to demonstrate to Hanoi that the United States seeks no military victory achieved by merely reducing the enemy to cinders. Our desire, from the first, has not been to annihilate the enemy, to ravage its cities or destroy its economy, or to change its government against its people's will, but to sit down at the negotiating table and honorably settle our differences.

An ancient Oriental proverb says that a journey of a thousand miles must begin with one step. President Johnson has taken that first step. The news today indicates that Hanoi is willing as a result to consider at least talking about peace.

History will record that Lyndon Johnson's personal sacrifice in the cause of peace was one of the most courageous and noble actions in memory. The President's goal must be the goal of all reasonable men—an end to the war and a beginning for a true and lasting peace in that troubled area of the world.

I commend the President for his generosity of spirit, his courageous determination and his wise and compassionate policies. This Nation will continue the fight for freedom in Vietnam until the leaders in Hanoi are willing to join with us in settling this matter in a peaceful and responsible way.

Discrimination Against Women

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mrs. GRIFFITHS. Mr. Speaker, on Friday night I spoke in Cleveland, Ohio, to a group of professional women. As a result, Mr. Alexander L. Ostrow, a public relations man, sent me a copy of a letter written by Martin J. Hughes, vice president of the Ohio AFL–CIO and assistant vice president of the Communications Workers of America, to George Karch, president of the Cleveland Trust Co. I applaud Mr. Hughes' good sense. The Cleveland Trust Co. would do well to follow his advice. I wish to spread the letter on the RECORD so that all may read it:

COMMUNICATIONS WORKERS OF AMERICA,
March 25, 1968.

Mr. GEORGE F. KARCH,
Chairman and President,
The Cleveland Trust Co.,
Cleveland, Ohio.

DEAR MR. KARCH: I note with regret that the Cleveland Trust Company has once again missed an opportunity to grant representation to broad segments of the public it serves on its Board of Directors.

It is my opinion that a huge bank such as the Cleveland Trust Company has such great importance and wields such vast economic power that every segment of the community should have a voice in the determination of its policy.

For example, members of my Union, the Communications Workers of America, are covered by a pension fund of more than $170,000,000, which is administered by the Cleveland Trust Company. Don't you think that this huge account, plus the fact that union members have additional millions of dollars deposited in the bank, should entitle organized labor to some representation on your Board of Directors?

Don't you think that we are more entitled to such representation than, let us say, the Republic Steel Corporation? I refer, of course, to the recent nomination of Harold C. Lumb, Vice President of Republic Steel Corporation, to replace Charles M. White, former President of the Company. It seems obvious that Mr. Lumb is replacing Mr. White as a representative of Republic Steel because your proxy statement reports that Mr. Lumb bought 25 shares of Cleveland Trust stock very recently in order to qualify himself to become a Director of the Bank.

Organized labor is not the only large group discriminated against in the selection of your Board of Directors.

It seems inconceivable that all 25 of your Directors should be men. It has been frequently reported that women own a majority of the stock in American industry. I am sure that there are many women well qualified

to serve as Directors of the Cleveland Trust Company. I am sure that the bank's services to the community would be considerably enhanced if the viewpoint of women was represented on the Board of Directors.

Also notably absent from your list of Directors are such large groups as the Negro community, the academic world, and the clergy.

Wouldn't it be highly beneficial to the bank—as well as to the community—to have these important elements of the public represented on the Board?

It seems to me that the interests of all depositors, stockholders and customers of the bank would be served by broadening the representation on the Board of Directors to include spokesmen (and women) for the various major groups that comprise our community.

May I propose that this suggestion be presented to the Board of Directors, with a request that the Board adopt a statement of policy pledging itself to pursue such a course in the future?

As you know, there is legislation pending in Washington which would require the Cleveland Trust Company and other state chartered banks insured by the Federal Deposit Insurance Corporation to have mandatory cumulative voting for the election of members of the Board of Directors. In my opinion, this legislation is highly desirable, because it would make for greater corporate democracy.

However, a similar result could be obtained if the Cleveland Trust Company, without waiting for the forthcoming passage of this legislation by Congress, would voluntarily nominate representatives of organized labor, women, educators, the clergy and the Negro community to its Board.

I would greatly appreciate receiving your reaction and the reaction of the Board to this proposal.

I also request that this letter be read at the April 18, 1968, stockholder's meeting, and that the stockholders be given an opportunity to go on record as favoring a broadening of the representation on the Board of Directors.

Very truly yours,

MARTIN J. HUGHES.

President's Decision a Noble Act

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. BINGHAM. Mr. Speaker, in response to press inquiries yesterday for a comment on President Johnson's Sunday night address, I issued the following statement:

The President's decision not to run for reelection is a noble act. It insulates the Presidency from any cloud of partisanship in the difficult days that lie ahead.

I applaud his decision to take the calculated risk of a cessation of bombing of North Vietnam outside the area of the DMZ. He has regained the initiative in the quest for peace with honor.

All Americans, regardless of political persuasion, are in the President's debt. He has justified the confidence so many of us have had in his goodwill and his love of country.

President Johnson, who has in so many respects been an outstanding President, has assured his place in history with this action which Senator ROBERT F. KENNEDY correctly called "truly magnanimous."

Muskogee Student Writes Outstanding Essay

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. EDMONDSON. Mr. Speaker, Michael Erwin, a student at Central High School in Muskogee, is Oklahoma's "ability counts" contest winner for 1968. Michael has demonstrated a keen insight into the employment problems of the handicapped in his community. I join the people of the second district and the State of Oklahoma in congratulating Michael on his outstanding achievement.

I insert this excellent essay in the RECORD so that you may have an opportunity to see it, as follows:

THE CHALLENGE OF EMPLOYMENT BARRIERS TO THE HANDICAPPED—A COMMUNITY SURVEY

(By Michael Erwin)

From the beginning of time, one law of nature has prevailed—survival of the fittest. Man has been somewhat more tolerant of the weak and unfit than have the other animals of the world. For centuries, however, the feeble-minded have been hidden or shunned, the blind have been pitied, and the crippled have been relegated to doing woman's work. These customs formed the earliest and perhaps the strongest barrier ever to challenge the individual to whom we refer as "the handicapped."

Today, many of the laws of nature are being replaced by the laws of man. With the knowledge explosion has come the realization that there is hope for those who were once regarded as hopeless, and help for those once thought of as helpless.

In meeting the challenge of change, educators are striving to teach all people to think for themselves, to discover and develop their talents and aptitudes, to be able to give directions or to follow directions, and to find out what they need to know. In this process, many of the handicapped are developing knowledge and skills which are enabling them to challenge the age-old barrier of prejudice.

When asked how this community compared with the state and the nation, as far as employability of the handicapped is concerned, the manager of the local office of the United States Employment Service stated that the problems and the advantages are generally the same everywhere. "All over the country," he said, "there are employers who cannot hire the handicapped because they have work to be done which requires physical abilities the handicapped people do not possess. On the other side of the scale, there are the many employers who have learned that if a handicapped person can do a job, he is usually more steady and dependable."

He explained this by saying handicapped workers know that those jobs for which they can qualify are hard to find. Therefore, they make every effort to please their employers. They stay on the job after they are fully trained rather than move on to higher paying positions as able-bodied employees often do. These employed handicapped people are meeting the challenge of the employment barriers by proving to their employers that they are willing workers who will stay with the job. They are nullifying the uncertainty that employers may have as to whether they are gambling or "sticking their necks out" by hiring them.

One of the major concerns of any employer is overhead—the expense of operating a business. Too much overhead can wipe out his income and even his investment. In today's business world, insurance is a large item in overhead, and fear of increased insurance rates has been an employment barrier to the handicapped. A representative of a large insurance firm maintains that there is absolutely no increase in workmen's compensation rates for handicapped workers. "The handicapped person's disability is recognized; of course, the insurance will not cover a condition which already existed," he said.

The manager of an organization devoted entirely to training and hiring the handicapped also agreed that the insurance question has provided an employment barrier to the handicapped. He, too, stated that no employer can be held liable for a pre-existing condition. He was asked about the liability involved in the event of damage to another person due to a handicapped person's condition, with the questioner posing a hypothetical situation, such as: a handicapped employee is the operator of a machine which subsequently injures a bystander as a result of the operator's inability to see the danger to the bystander, or to react fast enough to prevent the accident. "We find handicapped people are actually more careful, in this respect, than the average nonhandicapped worker," he said. "This possibility is definitely an employment barrier," he added, "and we have tried to inform prospective employers of the facts. We have had meetings scheduled with members of the state insurance commission present for the purpose of explaining that employers need not worry about increased insurance expense. However, we have had difficulty getting good attendance at such meetings. We just don't reach them," he concluded.

Apathy, too, is an employment barrier to the handicapped. As a means of meeting this challenge, the handicapped in this community try to overcome the apathetic attitude of the public by striving to prove and improve themselves by being steady and dependable workers, by observing safety rules, and by providing for themselves through their own efforts whenever possible.

Thus the handicapped, as surveyed in this community, are slowly and steadily overcoming prejudice, uncertainty, fear, and apathy to meet the challenge of these employment barriers.

A Long Time Between Drinks

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. DERWINSKI. Mr. Speaker, since political developments now center on the Kennedy-Johnson feud which may replace the Hatfield-McCoy dispute in American history, it is important that the press take an objective view of the situation.

A very objective commentary was carried in this morning's Chicago Tribune which very properly speaks for itself:

A LONG TIME BETWEEN DRINKS

It should be a most interesting tete-a-tete when President Johnson receives Bobby Kennedy in the White House in response to the senator's request "to discuss how we might work together in the interest of national unity during the coming months." By way of understatement, we will say that we have the gravest doubts whether Mr. Johnson will jump onto the Kennedy bandwagon.

Even in the laudable interest of national unity it must be considered sheer effrontery when a junior senator, even one with the dimensions of papa's bankroll, suggests to the President of the United States that such

unity is possible only thru his good offices. Has he got it locked away in his closet?

There is little in Bobby to endear him to Mr. Johnson. As we have remarked, ever since the death of John F. Kennedy the rest of the clan has acted as if Mr. Johnson were an interloper who had stolen what was rightfully the property of The Family—namely, the White House. A whole regiment of Kennedy secretaries, ghosts, and court historians has scribbled a series of memoirs holding Mr. Johnson up to opprobrium and projecting the late President Kennedy against a cardboard Camelot set.

We have never bought the legend, for, as Malcolm Muggeridge has written in his appraisal of the idolatrous tomes of Arthur Schlesinger Jr. and Theodore Sorenson, "Looking back on all the literature of obsequiousness, taking in even the Victorians and the poetasters of oriental courts, I find it difficult to match their two efforts in sheer fulsome idiocy. To a brief interlude in American history, to a rather exceptionally lightweight President, they accord longwinded and diffuse honors which a combination of Bismarck, Talleyrand, Metternich, Gladstone, Disraeli, Lincoln, and Cromwell would scarcely have deserved."

Nevertheless the myths live on, and Sen. Bobby is not averse to recruiting the same hordes of screaming bobby-soxers that thought his brother was "cute." Cradle-robbing must be a family trait.

Bobby's overture to declaring himself in as an appropriate tenant of the White House was to address an ultimatum to Mr. Johnson demanding that the President abdicate his functions and surrender the conduct of the war in Viet Nam to a commission to be handpicked by Bobby [of which, with unaccustomed modesty, he said he did not necessarily have to be chairman]. The commission then would "review" the matter and set Mr. Johnson straight.

When the President dismissed this incredible arrogance out-of-hand, Kennedy rushed off in a huff to set himself up as a rival candidate for the Democratic Presidental nomination, having held back until Sen. Eugene McCarthy had tested the temperature in New Hampshire.

The weasels by now having attained the chicken coop, Mr. Johnson undercut them by his surprising announcement Sunday night that, whatever Bobby's ambitions may be, the game wasn't worth the candle to him. But the implied rebuke is lost on a person who knows no shame. Meanwhile, Schlesinger and Sorenson are back in the Kennedy entourage, hoping to regain their old White House desks and start scribbling notes for the next plaster pyramid to a Kennedy. It doesn't make any difference to them which member of the dynasty is their patron and client.

We suppose some of this will be in Mr. Johnson's mind when he invites Bobby to take a chair, but, as the governor of North Carolina said to the governor of South Carolina, it will be a long time between drinks. We can imagine no more uncomfortable session since Edward VII, as prince of Wales, used to make his duty calls on Queen Victoria between sorties down the primrose path.

Schweiker Introduces National Career Education Act of 1968

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. SCHWEIKER. Mr. Speaker, today I am happy to join a bipartisan group of my colleagues who are sponsoring the National Career Education Act of 1968, a bill to consolidate and strengthen Federal aid to public vocational education.

The Federal effort to aid vocational training began in 1917 with the Smith-Hughes Act. It was widened in 1946 with the George-Barden Act and again in 1963 with the Vocational Education Act. But today it is plain that our existing legislation is not enough. A bold new initiative must be taken to ungrade all types of career education in public schools throughout our Nation. In particular, we need to concentrate our resources on the key areas of unemployment and unrest in our big cities—the ghettos.

The National Career Education Act comes at a time when six out of 10 high school students do not go on to college, and half of those who do enter college do not graduate. Thus eight out of 10 students in our high schools will be facing today's job market with less than a full college education. It is vital that these students all be made ready for jobs in today's highly advanced technology.

The problem is intensified in the urban ghettos, where school dropout rates and youth unemployment rates are well above the national average. Unfortunately, the existing Federal aid program for vocational education has used a scattershot approach around the Nation, without having the impact that it should on the hard-core problems of the ghettos.

Take, for example, the ghetto of North Philadelphia. According to Labor Department figures, one-third of the men there are either unemployed or underemployed. Yet, of some $14 million in Vocational Education Act funds allocated to Pennsylvania in 1966–67, only $769,687 went to Philadelphia, a city with nearly one-fifth of the State's people. No new vocational schools at new locations have been either planned or built in Philadelphia to combat the problem.

The National Advisory Council on Vocational Education, in its report earlier this year, found a similar tendency across the Nation for large city vocational education programs to be short changed. I am glad that this new bill puts new emphasis on the special needs of urban areas, and for this reason I am cosponsoring it.

It will raise the basic authorization for vocational education aid from $225 million to $325 million—and earmark one-fourth of this increase just for career education in areas of concentrated youth unemployment and excessive school dropout rates.

It will initiate an additional fund for special aid to these same areas—authorizing $200 million in fiscal 1969, rising to $400 million a year starting in fiscal 1972.

It will extend the funds for the work-study program, which lets disadvantaged high school students "earn while they learn" and thus remain in school until graduation.

It will begin a promising new program of "cooperative study," which will let a student spend half of the school year in school and the other half-year in a full-time job closely related to his studies. Incidentally, cooperative study will be one more example of how private industry can be a direct partner in the job-training effort.

The National Career Education Act, Mr. Speaker, is certainly a sound investment in the future of America. Currently we are mapping out and must enact aggressive new programs of job creation and job training. I am a sponsor of the Manpower Act of 1968, introduced last week, which would encourage 300,000 new jobs in private industry.

It would be far better, however, if our public schools had offered through the years the kind of vocational training that truly prepared young people for jobs and kept them from dropping out of school altogether. This is what I hope the National Career Education Act of 1968 can achieve.

Statement of Hon. Carl Albert

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. FARBSTEIN. Mr. Speaker, on March 29, our distinguished majority leader, Congressman CARL ALBERT, was the principal speaker at a dinner in Staten Island, N.Y., held in honor of my good friend and colleague, Congressman JOHN M. MURPHY. Majority Leader ALBERT concluded his speech with the prediction that the Democratic Party will be victorious in November 1968, because it is the party of the people.

I concur and I submit the text of Mr. ALBERT's remarks for the RECORD:

STATEMENT OF HON. CARL ALBERT

Mr. Chairman, Ladies and Gentlemen: It is good to be here in the world's greatest and most dynamic city.

It is good to be here in the State that gave America Franklin Delano Roosevelt, Alfred Emmanuel Smith, Herbert Lehman, and Averill Harriman.

It is good to be here with two of the great Democratic leaders of New York City—Mr. Stanley Steingut of Brooklyn, and Mr. Robert G. Lindsay of Richmond.

It is good indeed to be here with my distinguished colleague, your fine Congressman, John Murphy.

I can assure you that I know what I am saying when I say John Murphy is the type of man who will go a long way in Congress if you keep him there.

He is held in the highest esteem by every member of the House from every section of the country, Democratic and Republican alike.

His service has demonstrated that he is devoted to the principle that government's most important function is to meet the needs of the people.

He is progressive without being radical, prudent without being reactionary.

He is a responsible, dedicated public servant who believes that this generation of Americans has the best opportunity in our history to create the kind of just, humane, and enlightened society that is the promise of America.

It is an honor to be here tonight with John Murphy's friends and neighbors, his constituents and supporters—good people all, interested in their government and in the future of our nation.

Ethnically our association may be an ac-

cident; politically it is a matter of deliberate choice.

For what matters is that, in terms of a national election, we stand at the hour of the greatest crisis of this century.

The crisis is political, the crisis is economic, and the crisis is military.

Above all we must never lose sight of the fact that all these crises have global repercussions.

All mankind is involved directly and immediately in what we do at the voting polls in this year of decision—this year of 1968.

In this prodigious struggle, under the American flag and on this soil, we have a dramatic confrontation.

It is a toe-to-toe and eyeball-to-eyeball confrontation between the Democratic Party and what it means and the Republican Party and what it means.

When the American voter makes his choice between these two parties he is playing for the highest stakes that affect the future of our country and of mankind.

We enter this campaign with leadership that has weathered many storms.

In our great President, who is beset from right and left, we have vast experience, knowledge in depth, genius for administration, and the capacity for command decision as tested through the fires of crisis after crisis under the most exacting and gruelling pressures.

This is to say nothing of the terrific burdens on this administration carried over and inherited from two and three previous presidencies.

The steady hand at the helm through an agonizing period of sudden and tragic transition, the dignity and calm, the power and the effectiveness from that moment to this, is an example in top-level leadership rarely equalled in our history.

I know President Johnson.

I have worked closely with him, as I worked closely with the late President Kennedy, for many years.

I concur in the views expressed by President Kennedy that Lyndon Johnson is superbly qualified to be President of the United States.

He is giving the nation and the free world rare leadership at a time when top-level leadership was seldom more vital than it is today.

That leadership is confronted with a blind and hysterical opposition that is often witless.

The hawks scream and the doves coo.

The voice of reasoned and reasonable dissent is too often lacking as cries of hysteria are rife in the land.

But for the strong, steady, firm, but calm voice from the White House, what devastatingly fateful decisions might have been made against the long-term interests of the United States.

When the debits and credits of this generation are balanced in the ledger of history it may well be that the most important fact of our time was that America had the courage and the patience to resist and defeat Communist aggression in a far-off corner of the world.

We Americans hate war.

We hated it in both World Wars, in Korea, and in Viet Nam today.

Your Congressman, John Murphy, a distinguished West Point graduate and a hero of the Korean War, well knows the terrible waste and destruction of war.

He despises war.

So does Lyndon Johnson.

So also do the Joint Chiefs of Staff.

But despising war is not enough.

The President cannot end a war he did not begin until and unless the aggressors are willing to cooperate.

Critics call on him to negotiate.

Why don't they call on Ho Chi Minh to negotiate?

President Johnson cannot negotiate with himself.

We hear every day that this is an unpopular war.

God forbid that any war should ever be popular!

But what is popular is not always what is right or necessary.

The obvious question is: would it be in the best interests of the United States for Viet Nam to fall to the Communists?

They say that Southeast Asia is outside the sphere of influence of the United States.

Yet here in our hemisphere Cuba is within the sphere of influence of the Kremlin and Red China, and had it not been for Lyndon Johnson the Dominican Republic would also be under Communist control.

We hear on the other hand rash talk about dropping the bomb, invading the North, or mining Haiphong harbor.

We hear cries for all-out escalation.

It is easy to talk that way if you are not charged with the cruel responsibility of not only insuring the nation's security but also its survival in a dangerous and violent world.

This country is trying to follow the best and most prudent course of action in Viet Nam—a course of action supported by the nation's highest and most authoritative military leaders of both political parties.

General Omar N. Bradley, the field General who helped lead our troops to victory in World War II, on returning from Viet Nam, said:

"After tramping throughout the length and width of South Vietnam—I am convinced this is a war at the right place, at the right time and with the right enemy."

Ex-President Eisenhower, who as an American General led all the allied forces in Europe in World War II, has told us that we were on the right course in Viet Nam, and very recently, he wrote:

"Certainly, we are fighting to defand ourselves and other free nations against the eventual domination of Communism."

In my opinion it would be grossly immoral not to resist a tyranny whose openly avowed purpose is to subjugate the earth—and particularly the United States of America.

We have made known our determination to continue to resist Communist aggression until our bid for peace talks succeeds.

We can do no more; we can be expected to do no less.

The American people know what is at stake in Viet Nam.

They support their government in its efforts to win an honorable and a lasting peace.

They know we are not going to be able to wish Communism or any other form of tyranny out of existence.

They know there are no easy answers or sugar-coated solutions.

Richard Nixon says he has the answer.

If he does then he ought to give it to us before another single American boy dies in Viet Nam.

This generation—perhaps more than any other, at home and abroad—is trying to live up to the promise of our democratic ideals.

We are trying to create a society that is just and free.

We are trying to extend the boundaries of opportunity to include every community and all of our people.

We are trying to pass on to our children better advantages than those we possessed.

We are trying, in the words of Pope Paul, "to create a world that is more humane by promoting the common good of all."

We are trying—and we are succeeding.

That is the message that the Democratic Party carries into the election this year—a party that has kept more than 90 percent of its campaign promises.

Never in the history of politics has so much been done for mankind as has been done during the Kennedy and Johnson administrations and the Democratic Congresses that worked with them.

We have blazed new trails, we have opened new frontiers in man's quest for opportunity and justice.

We have passed the first Federal Elementary and Secondary Education Act in history.

In doing so we accomplished what seemed to be the impossible.

For a generation, all efforts to provide federal financial assistance, other than on a very specialized basis, had been nullified by regional, racial, and religious controversy.

In 1965 we resolved the impassé of the previous thirty years.

We made the child, not the school, the beneficiary of Federal help.

Whether a child lives in the rural poverty of Appalachia or in the urban slums of our largest cities, whether his skin be white, black, red, yellow or brown, whether the child attends public or non-public schools, all are irrevelant.

In each and every child lies the hope for the future progress and domestic tranquility of the nation.

We have resolved that each child should and will receive the education that will make him a full fledged participant in the citizenship of America.

Think for a moment of the new Immigration law which the President appropriately signed two and one-half years ago at the foot of the Statue of Liberty—a law that provides equity, justice, and new opportunity for thousands who want to come to America.

This new law does not ask where a person was born, but rather what can he bring to America?

In speaking of Democratic Party promises fulfilled I include Medicare which provides health security and dignity for America's elderly.

I am speaking of bold new programs which tackle head-on the enormous task of rebuilding America's cities and making them liveable for millions of people who desperately need housing and jobs.

I am speaking of determined efforts which strengthen law enforcement and crime control in every community in the land.

I am speaking of the amelioration and eventual elimination of poverty in every section of our land; of legislation to aid the needy, to protect the rights of labor.

I am speaking of cleaning the air we breathe, the water we drink, and safeguards for the quality and condition of the meat served at our tables.

I am thinking of the great fight we have made for the universal benefit of our people of all races, creeds, and colors under the canopy of civil rights under the Constitution, the implementation of the principle of justice, liberty and equality for all.

I am thinking of the economic growth and prosperity of our country when we have more jobs and higher paid workers than any nation at any time in history; when we have a fantastic gross national product that now stands above 840 billion dollars per year.

I can tell you that these things did not just happen.

They happened because Democratic Congresses and Democratic Presidents in this decade responding to the needs and demands of the American people, determined that America would meet its obligations to all the people of our land.

I am not speaking of our Party's record, my friends.

I am speaking of its legacy to the American people.

The Democratic Party in this decade has done more for education, more for health, more for conservation, more for consumer protection, more for minorities than was ever done by any party in any epoch of our history.

The Democratic Party has converted the phrase "Government of the people, by the people, and for the people" from an abstract statement of an ideal into an accomplished reality whereby it has made great strides toward equality of citizenship, prosperity and happiness of the people of the Nation.

From Jefferson to Johnson the Democratic Party has been the party of action, the party of progress.

From the Bill of Rights to the latest amendments to the Social Security law the Democratic Party has been the party of compassion.

It has been the people's party and the people know it.

Because the Democratic Party is the party of the people and because the people know it the Democratic Party will again march to victory in November, 1968.

More on Monday Holidays

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, a proposal which I favor to shift some holidays occuring in midweek to Mondays continues to gain support.

For the information of my colleagues, I include, as part of my remarks, a recent editorial on this matter from the Oshkosh Daily Northwestern:

MORE ABOUT HOLIDAYS

Our editorial on Tuesday concerning the shifting of some holidays that occur midweek to Monday to provide a long weekend similar to that for Labor Day reported that Massachusetts has taken the step to institute the proposal in 1969.

Not everyone in the Bay State agrees, however, although the legislature passed and the governor signed a bill to have Washington's birthday (Feb. 22), Patriots Day (April 19) and Memorial Day (May 30) observed on the nearest Monday so as to provide three-day weekends.

One voice in dissent is that of The Christian Science Monitor, publishing in Boston. In an editorial, that newspaper said: ". . . the legislature and the governor at last gave in to the incessant urging of organized labor and business and industry." (Our contention is that both employer and employe benefit when the change is made and that their "urging" should be heard.)

The Monitor said further of the situation in Massachusetts that ". . . numerous patriotic and veterans groups are demanding a referendum to repeal this action. If they pursue this course, they should have little difficulty in getting the needed number of signatures. For public polls indicate a solid majority of Americans oppose holiday-juggling. Early this year the Harris Survey showed 64 per cent of those questioned objected to such changes, with only 31 per cent in favor. Reasons for opposition vary, but apparently most opponents say that such changes would only further weaken the special, intrinsic meaning which such holidays should have."

We find ourselves in disagreement with The Monitor's view. We can honor the "Father of Our Country" on another date than Feb. 22, particularly since that was not actually the date of his birth anyway. May 30 is not now observed as Memorial Day in all states of the Union. The closest Monday to that date might be one on which they could all agree so that we would all have a holiday together.

A point in which we are in agreement with the eastern newspaper is that ". . . at the very least, we believe that Americans everywhere should have the right to vote on such changes."

Our belief is that if the question came to a vote, the people would favor the uniform Monday holidays. We do.

For Aid to Polish Jewry

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. PODELL. Mr. Speaker, as the student revolt in Poland continues with unabated intensity, the fury of official fulminations of the Polish Government against its numerically insignificant Jewish population has risen to a shrieking crescendo. The latest official outburst by government spokesmen, and government controlled and inspired press has sunk to the preposterous level of seeking to defame the valor of the Jews who fought to the last against the Nazi hordes in defense of the Warsaw ghetto.

Nothing more sharply demonstrates the immorality and the bankruptcy of the Polish dictatorship than this nefarious attempt to denigrate the valiant defense by the Jewish people of their Polish homeland. The simple fact is that the defense of the Warsaw ghetto is the brightest achievement in Poland in stemming the tide of Nazi aggression.

Those who charge the handful of Jewish people with responsibility for the student revolt have seen the writing on the wall. Just as the students in Czechoslovakia succeeded in arousing public support for deposing President Novotny, so does Wladyslaw Gomulka foresee his own deposition as the hated dictator of Poland.

There is a contagion of freedom sweeping through the universities around the world, in Poland, as in Czechoslovakia, Rome, Tokyo, and including the United States. It is significant that the present crisis in Poland erupted as a direct result of the barbaric suppression by the Polish regime of "Dziady," a classic drama by Adam Mickiewicz, a giant in Polish literature, dealing with oppression, repression, and suppression by the Russian czarist regime. Suppression of the play's production was inevitable, when the Polish Government appropriately identified themselves with those in the drama who destroy freedom and deny human dignity.

Yet we must deal with the realities of another group of Jewish people, driven from their native lands as the result of prejudice and descrimination. Most of those who leave Poland will no doubt choose to emigrate to Israel. For those who would prefer to come to the United States, I have today introduced a bill which would admit such refugees from Poland to the United States, above existing immigration quotas. Enactment of this bill by the Congress, and its approval by the President of the United States, will demonstrate to the world, once again, that the United States will forever keep open its shores for refugees from government oppression and bigotry.

Supplies Sought for U.S. Men in Viet Hospitals

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mrs. BOLTON. Mr. Speaker, Operation Helpmate is the name of an American Red Cross project which provides recreational and comfort supplies to wounded American servicemen in hospitals in South Vietnam. An article which appeared in the Stars and Stripes—the National Tribune of March 28, 1968, points out that one individual who is playing a very important part in Operation Helpmate is N. R. Calvo, one of my 22d District constituents from Cleveland, Ohio. He has donated 25,000 razor blades and several gross of baseball games. A veteran of World War II and long active in veterans and civic affairs, Mr. Calvo is a member of the Soldiers' Relief Commission of Cuyahoga County, Cleveland, Ohio. He is also commander of American Legion Post No. 74 of Cleveland.

Believing my colleagues will be interested in this very worthy project, I include the article from the Stars and Stripes:

SUPPLIES SOUGHT FOR U.S. MEN IN VIET HOSPITALS

"Operation Helpmate" is the name of an American Red Cross project which provides recreational and comfort supplies to wounded American servicemen in a hospital in South Viet Nam.

The Red Cross is asking business firms, community organizations and individuals to support this worthwhile cause. Collection points in selected cities thruout the country have been established to accumulate the supplies for shipment to the Third Field Hospital in Tan Son Nhut, South Viet Nam.

The list of needed items for "Operation Helpmate" is as follows: ballpoint pens (inexpensive), nail clippers, plastic soap dishes, plastic bottles of aftershave lotion, foot powder, popcorn, hard candy, current records, sheet music, inexpensive birthday gifts, gift wrap sheets and ribbons, single edge razor blades, tery cloth wash cloths, lightweight canvas shower shoes, small packages of writing paper, small address books, plastic cigarette cases, individual packages of tissues, small plastic bags, small plastic snapshot holders, paperback books—adventure, mystery, western, science fiction—crossword puzzles, cards, and table games.

No liquids, combustibles, food or items which would melt or deteriorate in heat are to be sent. All items should be in an unused condition. It is hoped that bulk quantities rather than single units will be received in order to expedite delivery to ocean ports.

One individual lending a helping hand to "Operation Helpmate" is N. R. Calvo, of Cleveland, Ohio, who has donated 25,000 razor blades and several gross of baseball games. These items will be included in a shipment leaving Cleveland to be sent to South Viet Nam in time for Easter delivery to the servicemen.

Carver is a member of Soldiers Relief Commission of Cuyahoga County, Cleveland, Ohio.

Cleveland is one of the designated cities participating in the collection of needed items. He is also commander of American Legion Post No. 74 of Cleveland.

H.R. 16257

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. BLACKBURN. Mr. Speaker, on March 29, 1968, I introduced H.R. 16257, a bill to amend the Federal Water Pollution Control Act, in order to authorize comprehensive pilot programs in lake pollution prevention and control. Basically, this measure provides that the Secretary of the Interior is to arrange grants or contracts with any local or State agencies to develop means for the prevention or removal of pollution in public-owned lakes.

The Secretary can provide up to 90 percent of the cost of any program authorized by him. Furthermore, the agency receiving the grant must guarantee that the program will be maintained at the maximum water purity level after the termination of payments from the Federal Government. An appropriation of $5,000,000 is authorized to carry out this act.

There are many reasons why I introduced this measure and I would like to share a few of them with my colleagues. A lake has very little flushing or water flowing in and out of it. Thus, the lake has less capacity to dilute or digest waste material which is introduced into it. The excessive influx of nutrients or waste of a manmade origin accelerates the normal aging process of lakes. Lake Erie is a very conspicuous example of accelerated fertilization.

We find that when this accelerated fertilization occurs, dying lake vegetation begins to choke our lakes. Soon because of a loss of oxygen, mass vegetation begins to rot, creating very bad odor problems and further lowering the oxygen level so that fish frequently die. This cycle finally leads to the placing of restrictions on fishing, boating, swimming, and other recreational activities.

The source of pollutants which are entering our lakes come from septic tanks of shoreline cottages, sewage from cities and towns situated on the watershed, pollution from livestock on farms, and drainage from fertilized farmlands.

We are witnessing today, a greatly accelerated rate of maturation of lakes caused by man's activities. Without man, this process might have taken thousands of years for some lakes to reach extinction.

Mr. Speaker, it is quite evident that we must act quickly to preserve our lakes. The Department of the Interior has favorably recommended a bill identical to this one, entered by Mr. BROWN, of Michigan, be enacted into law.

I hereby call upon the members of the House Committee on Public Works to report this bill to the floor, as soon as possible.

Loss of Face: The "Pueblo" Legacy

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. ASHBROOK. Mr. Speaker, Americans are still concerned over the fate of the U.S.S. *Pueblo* and the 83-man crew. They have good reason to be. But, the United States has suffered losses in addition to these which have not been fully identified. While the lives of these crewmen should be of primary concern, we must also consider the severe damage to whatever influence we had upon those who stood with us in the fight against the worldwide aggression of communism.

The question is not whether or not we have "lost face" in the eyes of the various nations of the free world which look to us for leadership, the question is how much.

Just as the so-called "gold rush of 1968" demonstrated that many nations lack confidence in the dollar, the *Pueblo* capture and subsequent action by free world nations has indicated that they no longer trust our determination to stand firm against aggression.

The factors involved in this "loss of face" have been brought together by John F. Lewis in a recent issue of the American Security Council's Washington Report newsletter. I submit it for the RECORD at this point:

[From Washington Report, Mar. 18, 1968]

LOSS OF FACE: THE "PUEBLO" LEGACY

"When the Dragon is stranded in shallow waters it is easily teased by a swarm of shrimp."—(Old Chinese Proverb)

When the USS "Pueblo" was surrounded, boarded and captured by four North Korean Communist gunboats on January 23, the United States of America lost far more than 83 men and the sophisticated, electronically-equipped intelligence-gathering patrol vessel.

It demonstrated our military weakness, Washington's seeming inability to cope with a crisis requiring immediate and effective response, and our government's utterly naive and pitiful assumption of Communist reasonableness.

Coming as it did after years of miscalculation, vacillation and outright blundering, the "Pueblo" incident resulted in such a loss of face abroad and lost confidence at home that many astute analysts of world affairs fear America may have forfeited, on that fateful January day, any valid further claim to world leadership and respect. What might be called the spin-off of the puerile U.S. stance in the wake of the "Pueblo" piracy is only now surfacing to a point where its impact may be weighed with real and convincing accuracy.

As a leading Asian diplomat in Washington told us privately the day after the "Pueblo's" seizure: "A nation as great and powerful as the United States, with worldwide responsibility for leading the resistance to Communist aggression and tyranny, may be able to afford the loss of a small naval craft and its crew. But it absolutely cannot afford to 'lose face'."

At the time, such an appraisal was shrugged off as "much too exaggerated" by those on Capitol Hill and in the U.S. State Department who preached calm and judicious restraint on the announced White House theory that quiet—even secret—diplomacy would resolve the entire affair.

A U.S. Senator told a radio network news audience that, in the fact of such incidents, America "must keep its cool" and not be unduly upset.

A high-ranking British Commonwealth air officer who had served with our forces in the Korean War, commented drily: "The 'coolest' thing you could have done was to issue an ultimatum that unless the Pueblo, and its crew, unharmed, was released within X hours, the port of Wonsan where North Korea took the captured vessel would be put out of commission."

Instead of following such a course, however, we let everyone know that we were going to be highly polite and civilized about the whole nasty show. We promptly dispatched our diplomats in Russia to the Kremlin to enlist Moscow's aid as an intermediary—an appeal which was just as promptly snubbed. It had long been clear to our intelligence agencies that somehow, someday, the Russians were going to try to get their hands on the very super-secret coding and sounding equipment that so-called "spy" vessels like the Pueblo were known to carry.

Then, of course, came a series of pronouncements from our own government officials about just where the Pueblo was in relation to North Korea's land perimeter. Out of the resulting assertions, denials and contradictions, our government in effect accepted for the first time the Communist claim to jurisdiction up to twelve miles from shore.

The U.S. has never claimed anything more than a three-mile authority around its own shores and Communist "spy" ships—a veritable armada throughout the world, especially of rigged fishing trawlers and coastal freighters—have taken full advantage of our modest territorial limitations.

When it was later reported that sources in the Pentagon and State Department had leaked the story that the Pueblo was operating between seven and nine miles off North Korea in the vicinity of Wonsan, the question of whether or not we should have made a test of the Red's arbitrary twelve-mile limit jurisdiction was already academic.

When it was also disclosed that a Soviet cargo plane took off from North Korea with a load of equipment presumably from the Pueblo within 24 hours of its impounding at Wonsan, the same U.S. officials who had so confidently turned to Moscow for help at the outset could only express shock and dismay.

For the free world's leaders, already confused and disillusioned by mighty America's seeming inability to cope with the Communist aggression in Vietnam, and undone by U.S. willingness to jeopardize NATO and the Western alliance by promoting friendship and tolerance of Communist bloc countries through trade, nuclear treaties, consuls and cultural ties, the loss of face in the Pueblo affair was obviously the breaking point.

For many it marked the last straw of hope and conviction that the United States could be counted upon to effectively meet the challenge Communism poses on every continent. For others it indicated that either the U.S. was unwilling or incapable militarily, thanks to Vietnam, to react as powerful nations are supposed to react when taunted to do so by an open confrontation.

In early March, for example, President Juan Carlos Ongania of Argentina told some 200 top Argentina government officials that the time has come for Latin America to prepare its own defenses and security without further reliance upon the United States and without further expectation that in the event of Communist aggression in the Western Hemisphere the U.S. will be willing or able to act. He noted that the United States, and he never mentioned our name except by repeated reference to the "leader of the free world," had failed to come to grips with the

Red penetration of Cuba and had only narrowly averted a repeat performance in the Dominican Republic. He did not have to add that his own go-it-alone conclusion was at least partly triggered by America's failure to adopt a "win" policy in Vietnam and such face-slappings as the "Pueblo" affair.

An Indonesian government official who was instrumental in helping to resist the intended Communist take-over of his country and who assisted in the overthrow of Leftist dictator Sukarno, told this writer a week after the "Pueblo" piracy: "No single event has done more to shatter your country's reputation as the principal defender of the free world or as master of the high seas than your failure to massively and convincingly retaliate when the 'Pueblo' was captured." "By the same token," he added, "nothing that has occurred—not even the successful prolongation of the war in Vietnam by the Communists—has done so much to enhance Communism's status in the eyes of millions of Asians."

A chorus of criticism reflecting, in varying degrees but with appropriate restraint, distrust, disgust and outright fear has emerged on the editorial pages of leading newspapers in Japan, the Philippines, Taiwan and South Korea.

With little prodding from Communist propagandists, sarcasm, satire and snickering at America's expense have dominated headlines and comment in the major capitals of Europe, Africa, the Middle East and Latin America.

Yet two items of news, largely unpublicized in this country, do more than anything else to demonstrate the shattered image America now has in the eyes of its closest friends.

One was the sudden arrival in Seoul of two guests invited by the understandably worried and irritated South Korean government after it became clear the U.S. was indeed a "dragon stranded" in the Pueblo incident. These visitors were top anti-guerrilla experts from Israel and South Korean spokesmen made no secret of the fact that Israel's ability to cope with Arab trouble-making was somewhat more impressive than Washington's desperation in countering Communist nose-tweaking in the "Pueblo" case.

The other item was insistence by Nationalist Chinese officials that immediate steps be taken to prepare for handling any eventuality—even a Communist Chinese invasion of the off-shore islands of Quemoy (Kinmen) and the Matsus or Taiwan proper—without dependence upon the United States. The Chinese view was couched in the most diplomatic language and was made known to Washington only through a careful translation of discussions and debates in the Republic of China's Legislative Yuan in Taipei.

In a special plenary session of that body, Foreign Minister Wei Tao-ming assured legislators, who were demanding a course of action independent of the United States in the Far East, that: "With our armed forces and the strategic position we are holding we have our own missions to perform in this area and *we also have our own way* in doing things." (emphasis added)

The "Pueblo" incident, if viewed as an isolated case, cannot be held responsible for the free world's disenchantment with America's will or strength. The point is that the "Pueblo" merely capped a series of political and military setbacks, reverses, embarrassments and harassing (see WASHINGTON REPORT 68–6 of February 12) scored by Communist-inspired tail-twisting, nose-tweaking satellites and militants bent on making a mockery of America's might in the relentless effort to discredit and ultimately "bury" us.

The non-Communist world has not forgotten that in 1962, the U.S. stood firm in the face of the Cuban missile crisis only to reward a Kremlin back-down by guaranteeing Communist Cuba's immunity from any further threat of liberation stemming from Cuban exiles given asylum on our shores.

The non-Communist world has found it unnerving, to say the least, to watch U.S.A. engage in a life-and-death struggle with Communism in Vietnam while Washington signs nuclear armaments treaties and liberalizes trade with Communist-bloc countries, enabling the Reds to finance and arm North Vietnam's aggression.

The non-Communist world is hardly convinced that Washington understands the real threat to peace when we show such public concern for Red China's nuclear developments, obviously embryonic, and go out of our way to avoid any irritation of Peking under the misapprehension that Mao Tse-tung's brand of Communism is dangerously aggressive while the Soviet Union's brand is moderating and mellowing.

The non-Communist world must be alarmed and the Communist world has a right to be amazed when the United States adheres to a policy of allowing the Soviet Union to achieve so-called "parity" with the U.S. in nuclear missile strength and in naval and air power (see study "The Changing Strategic Military Balance—U.S.A. vs. U.S.S.R." by National Strategy Committee, American Security Council).

It is because of this background that the "Pueblo" seizure is an incident of such magnitude in terms of America's image and prestige in the eyes of the world.

Just eight years ago this summer, a major campaign issue was the charge that the U.S. was suffering a loss in popularity in some parts of the Globe—that its image was tarnished, its prestige declining. Today, our nation's image and prestige have reached such a low estate, and loss of face so great, that this year's political candidates may find the shame of it almost too agonizing to exploit.

Yet it is an issue of such vital importance that it must be aired in this year's political debates if only because the decline of America's posture cannot be tolerated any longer if freedom's cause is to survive.

As the Chinese proverb quoted at the outset suggests, "When the Dragon (that Oriental symbol of power and leadership) is stranded in shallow water" it is no longer a Dragon worth its name.

JOHN F. LEWIS,
Associate Editor.

Proposed Travel Restrictions

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. ROYBAL. Mr. Speaker, as a Member of Congress from southern California, I naturally appreciate the value of tourism in stimulating a prosperous economy and providing jobs for many thousands of citizens engaged in tourist-related businesses.

So, when various proposals were offered this year to impose a series of taxes on international travel in an effort to reduce the so-called travel deficit, I have tended to favor what might be called a positive approach to this admittedly difficult problem.

Instead of trying an essentially negative approach of penalizing Americans who desire to travel abroad, I had hoped to see greater emphasis placed on taking advantage of our opportunities to promote an aggressive program to bring more foreign visitors here to see our own magnificent tourist attractions.

In this way, we could not only avoid imposing burdensome restrictions on America's traveling public, but we would also prevent the almost certain retaliation by foreign nations who would be adversely affected by any U.S. travel tax program.

At the same time, we would be making a real contribution toward bringing our travel deficit into balance in a healthy way—that would incidentally promote the additional objective of increasing national understanding and good will on an effective people-to-people basis.

Because I have always favored such a positive approach to solving our travel deficit, I was interested in the thoughtful comments I recently received from a representative of the American travel industry regarding H.R. 16241, the legislation scheduled to be considered tomorrow by the House to extend the tax on commercial air transportation abroad and to reduce the personal exemption from customs duties for residents traveling outside the country.

Since these comments reflect the position of the American Society of Travel Agents on H.R. 16241, as reported to the House, I believe they may be of general interest to my fellow colleagues in Congress, and I request unanimous permission to include them in the CONGRESSIONAL RECORD at this point.

The ASTA comments follow:

The main features of House Resolution 16241, the bill reported by the House Ways and Means Committee which is scheduled for floor action this week, are the imposition of a 5 percent tax on international air transportation from the United States and the reduction of the duty-free allowance from $100 to $10. These two proposals were part of the overall package which was submitted by the Treasury Department to the House Committee on Ways and Means on February 5.

ASTA opposed the entire package, and we are still opposed to the enactment of the remnants of it although, by far the most obnoxious part of the proposal, a tax on tourist expenditures, was rejected by the Committee.

The 5 percent transportation tax has several objectionable features. First, it is inconsistent with the instructions which our government gave to its delegation attending the most recent International Civil Aviation Organization Conference. The instructions said, in part, "At a time when the airlines, states and ICAO are devoting considerable attention to principles of charging, cost identification and allocation, it would be an anachronism to endorse a charge that does not have an identifiable base."

The Air Transport Association described the proposed 5 percent transportation ticket tax in its testimony before the Ways and Means Committee as ". . . unilateral action of the very character the United States has sought to discourage."

In addition, since the tax would not be imposed on transportation by U.S. citizens originating outside the United States, U.S. citizens would be encouraged to go to Canada or Mexico to buy round trip tickets to points outside the Western Hemisphere, thus avoiding the tax, diverting business from U.S. travel agents and aggravating our balance

of payments deficit with respect to payments to non-U.S. carriers.

ASTA's basic objection to the reduction of the duty-free allowance to $10 is that the United States was a participant in the meeting of the OECD member countries at a council meeting on July 20, 1965 at which it was decided that the OECD should recommend to member governments that the minimum duty-free allowance should be a uniform $50. Many member countries of OECD have already complied with this recommendation, and it would be indeed unfortunate if the United States, with an opportunity to do so at this time, reduces its minimum to $10 rather than the $50 as we have agreed to.

Medical Miracles Need the Help of the Law

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. MOORHEAD. Mr. Speaker, the recent events in heart transplantation in Capetown, South Africa and in the United States have captured the admiration and imagination of all of us. However, since medical progress has outpaced the law in the field of medical transplants, it is apparent that lawmakers should move to adopt new safeguards for the protection of doctors, donors, and the community.

The president judge of the court of common pleas in Pittsburgh, Pa., the Honorable Henry Ellenbogen, delivered a fascinating paper on this subject at a joint meeting of the Medical Legal Society of Japan and the Pittsburgh Institute of Legal Medicine on April 2 in Tokyo, Japan, calling for new medico-legal cooperation in this endeavor, and for the establishment of donors consent banks and body parts banks in every metropolitan area.

I include at this point in the RECORD the text of Judge Ellenbogen's stirring address:

MEDICAL MIRACLES NEED THE HELP OF THE LAW

(By Hon. Henry Ellenbogen, president judge of the court of common pleas, Allegheny County, Pittsburgh, Pa.)

(NOTE.—An address prepared for delivery at a joint meeting of the Medical-Legal Society of Japan and The Pittsburgh Institute of Legal Medicine in the Keidanren Hall, Tokyo, Japan, at 11:30 A.M. Tuesday, April 2, 1968. President Judge Ellenbogen cites the need for legal safeguards in the rapidly expanding field of transplant surgery, and proposes the establishment of a unique system of central Donors' Consent Banks to be operated in conjunction with multiple Body Parts Banks in every metropolitan center.)

Through all ages and in every clime, man has looked to the stars and hoped for immortality.

Egyptian pharaohs as early as 4000 B.C. dreamed of immortality and hoped to achieve it with hieroglyphic appeals to their gods. Carved on the walls of their tombs we find this exhortation from the Book of the Dead: "Let Life Rise Out of Death". The wealth of the pharaohs, however, could not buy the priceless opportunity given many dying men today to extend their years through the gift of a new heart, a new kidney, or new blood.

The New Testament (I Corinthians, xv, 26) says the "last enemy to be destroyed is death". Modern scientific achievements give us hope that man may some day defeat that "last enemy". While applauding today's medical miracles, we who are concerned with the law would be remiss in our duties to society if we failed to point out that much of today's most promising achievements are occurring in an area where the legal guidelines are at best faint and indistinct.

The Hippocratic Oath—that a physician do everything in his power to save life, to restore health and to alleviate suffering—may be the surgeon's guiding star, but it is not adequate to enable him to find his way through the legal maze he has created by his own ingenuity.

THE GIFT OF LIFE ITSELF, A SURGICAL PEAK

The ultimate surgical procedure—the transplantation of a human heart—may prolong a useful life for months, or even years. But this breakthrough, a surgical achievement without parallel in all the annals of mankind, poses vastly important, difficult and serious medical, legal and moral questions that demand immediate answers.

Let us turn back the clock to December 3, 1967, and examine some of these questions which Dr. Christiaan Neethling Barnard answered so dramatically in his successful transplantation of a young woman's heart to replace that of a dying man in the Groote Schuur Hospital in Capetown, South Africa.

Dr. Barnard knew that Louis Washkansky had at best only a few months to live. His heart could not get enough blood through his closed and clogged coronary arteries. Since he knew he was dying, Washkansky eagerly agreed to the drastic surgery that would literally take away his heart.

The donor of a healthy heart, Denise Ann Darvall, 25, critically injured when struck by a speeding car, was barely alive when brought to the Groote Schuur Hospital. Her head and brain were almost completely destroyed. Because of this condition, her father signed the consent agreement for the transplant attempt. Dr. Barnard and his surgical team now had the opportunity they had so long awaited.

The fact that Louis Washkansky later succumbed does not detract from their accomplishment or their place in history for the first successful transplantation of a human heart. Double pneumonia took Mr. Washkansky's life 18 days after the historic operation, but there was no failure in the strong and steady beat of Denise Darvall's transplanted heart!

The eyes of the world are currently again focussed on Dr. Barnard. A Capetown dentist, Dr. Philip Blaiberg, now apparently gaining in health and again enjoying the comforts of his own home, was able to leave the Groote Schuur Hospital 74 days after Dr. Barnard had planted another man's heart in his breast.

SUCCESS RAISES PROBLEMS

Such dramatic progress, which is inspiring other surgical teams in other parts of the world to duplicate such operations, demands that our legal and medical leaders find some new answers to problems society never had to face before.

Of paramount importance is agreement on when exactly does death occur? Only rarely is this determination of judicial concern. The law's involvement with such questions is generally months or even years after life is extinct by any definition.

Doctors say there are two deaths: A clinical death when spontaneous respiration has ceased and the heart no longer beats; a biological death when the tissues no longer respond to stimulators, respirators, and other resuscitative devices.

The attending doctor must determine when clinical death occurs. Vital organs, if they are to be of any value as transplants, must be removed as soon after clinical death as possible . . . or as near biological death as possible.

DOCTORS' DECISIONS MAY LEAD TO LITIGATION

A wrong decision at this critical point may lay the doctor open to public criticism, censure by his colleagues, possible prosecution, the label of killer or euthanasist, and legal action by the patient's next of kin.

World Health Organization regulations define death as the permanent disappearance of life without the chance of resuscitation. But our doctors must be given legal criteria to utilize in making such decisions.

Black's Law Dictionary defines death as "the cessation of life; the ceasing to exist; defined by physicians as the total stoppage of the circulation of the blood, and a cessation of the animal and vital functions consequent thereon, such as respiration, pulsation, etc."

LEGAL GUIDELINES ARE INADEQUATE

Some legal authorities simply say that a patient is dead when the doctor says he is dead. Some of our state laws prescribe tests to determine whether death has occurred, but many still lack any legally defined criteria.

The fact remains that doctors have frequently revived some patients whose hearts and respiration have ceased. Other hearts, aided by machines, have been kept pumping for extended periods after recovery from brain damage is impossible.

Dr. Barnard told a nation-wide TV audience in the United States in January that he could have restarted donor Denise Darvall's heart, but that it would soon have stopped again because her brain was dead.

Under South African law, according to Dr. Barnard, a patient is dead when he has no reflexes, is no longer breathing, and his heart has stopped. Dr. Barnard said that his hospital team faithfully applied these criteria in the case of Denise Darvall (Time, Jan. 5, 1968).

HYPOXIC ORGANS ARE VALUELESS

Every day we read of surgical teams or first-aid squads resuscitating persons whose hearts have stopped. Some lack of oxygen causes deterioration or damage, a surgeon wants a donor's heart as fresh as possible for transplant—that is, within minutes of death. Other vital organs such as the kidneys and liver must not become hypoxic and hence useless by remaining in the body too long after death.

In many parts of the world doctors are certainly treading on shaky legal ground by any unilateral attempt to define death as cessation of brain activity. Since medical progress has outpaced the law in the field of medical transplants and the use of human organs and tissues, it is of the utmost importance that our lawmakers agree on a new and more precise definition of death and when it occurs.

Physicians, motivated by the highest ideals of service to mankind, must be protected by law. The ground rules for transplantations must be established. At the same time we must not deny the basic rights of humanity to the dying.

TIME IS VITAL FOR SUCCESS

A surgeon who tackles the transplanting of a human heart has at best only 30 minutes to take the first vital step—removal of the heart from the donor's body There is no time for consultations or debate over whether the heart donor is legally dead.

The odds are already tremendously against the success of such an operation. The surgical team must not only be trained and alert, but it must await the simultaneous arrival of two patients with compatible blood types.

The problem is further complicated in that one of these patients must be doomed to die of some disease that has not involved his heart. The second must be doomed to die of incurable and irreversible heart disease.

The moral and ethical questions raised by heart transplants are many and varied. Since ancient times the poet has ascribed mankind's noblest qualities and emotions to the heart. Today's science-orientated society is more inclined to consider the heart nothing more than a muscular pump without soul or personality.

VATICAN APPROVES HEART TRANSPLANTS

The Vatican newspaper, L'Oservatore Romano, supported this view with the observation that "the heart is a physiological organ and its function is purely mechanical". (Time, Dec. 15, 1967). Furthermore, Pope Paul VI personally told Dr. Barnard: "I bless your achievement, and I invite you to proceed along the same road, doing good, as you have up to now." (Time, Feb. 9, 1968).

Although the heart may be only a pump, it is more essential to life in the immediate temporal sense than any other organ, even the brain. To transplant a new heart in the chest of a dying man is the gift of life itself. This ethical and moral problem confronts the surgeon whenever he selects a person to be given a new chance at life.

This is no easy decision, for specialists estimate that 500,000 adults in the United States are dying each year of coronary disease. In addition, 6,000 to 7,000 children are dying of incurable heart defects (Time, Jan. 5, 1968).

WHO GETS THE CHANCE FOR A NEW LIFE?

With no prospect of more than a few thousand hearts becoming available, how do you select those who will get a new heart?

Most physicians say they would select the person most urgently in need of a new heart, whose physical condition offered the best chance for a successful transplantation, and who would be most useful to society should his life-span be extended.

Life is certainly not assured the proposed recipient. His heart must be cut out, which is tantamount to killing him. Consider, too, that while his life is ebbing away he still must be strong enough to endure the most drastic surgery yet devised by man. The surgical team, trying its best to give him a chance for a new and healthy life, will in effect have killed him if the transplant fails.

BURDEN OF DECISION NOT FOR OPERATING TEAM

The decisions concerning the donor and donee should be left to an independent group of medical experts none of whom are directly engaged in the transplant procedure. As disinterested judges, these doctors would examine the prospective heart donor and prospective recipient, taking this heavy burden of decision completely away from the operating team.

Surgeons now predict that successful lung transplants are a distinct possibility. A patient at the University of Mississippi Medical Center lived for 18 days after such an operation.

In other transplants, surgeons have been more successful. More than 1,200 kidney transplants have been reported since 1954, with 600 of them in the United States. So far about half of these patients have lived at least two years after the operation.

No one knows precisely how many persons die in the United States each year who might be saved by kidney transplants. Medical authorities estimates range all the way from 6,000 to 20,000. A more definite estimate is that no more than 450 patients received kidney transplants. A major factor here is that the donor and the donee have to be in the same hospital because it is impossible to keep a kidney more than four hours after it is removed from the donor.

DEAF PEOPLE MADE TO HEAR IN ISRAEL

In this fast-moving age of medical miracles, four Israeli doctors on March 21, 1968, announced another milestone in surgical progress—they said they had succeeded in making deaf people hear again by transplanting eardrums from dead bodies into their middle ears. They reported three such successful operations, the first being a transplant from the body of a 73-year-old man.

Such medical progress is indeed most promising but we must not overlook the fact that work in the field of organ transplants will be retarded until there is a satisfactory legal clarification of many matters. The rights of the donors, both live and cadaver, and those of the potential recipients, must be spelled out in detail. A widespread educational campaign is also necessary to encourage more people to give their bodies and their organs for the benefit of mankind. It is obvious that we no longer can afford the luxury of condemning to the grave vital organs which can preserve another person's life through a transplant operation.

NEW LAWS NEEDED TO PROTECT DOCTORS

I must point out that if state legislators do not adopt such ground rules and the increase in transplant operations continues at the present pace, there will be a proliferation of damage actions and claims of malpractice against physicians.

Most states prohibit under statutory or common law any act that deprives a person of a part of his body without his specific consent, unless the procedure is necessary for preserving his life or health.

Man's proprietary right to his body has been raised to an almost sacred level, with the result that any unauthorized touching of the body of another is an actionable wrong. Our laws in this regard require that a hospital or surgeon must obtain the informed consent of the patient or his legal guardian before any medical or surgical procedure can be performed. Any unauthorized extension of the procedure by the hospital's agents or the surgeon will subject both to an action for damages for the unauthorized act.

USE OF CADAVER PARTS POSES LEGAL PROBLEM

The law, both case and statutory, appears clearly established in the area of consent. I would say that a doctor who obtains the informed consent of the patient or his guardian to transplant the kidney from another person is protected from legal liability to the recipient.

Complex legal problems arise, however, from the continuing search to obtain donors of healthy kidneys to replace malfunctioning kidneys. The shortage of kidney donors has forced surgeons to develop techniques and procedures for transplanting kidneys from dead or cadaver donors. While this source of body organs is most desirable, it does force the doctors involved to consider the possible legal involvements that might arise from the use of any part of the body of the deceased donor.

A total of 40 states have passed laws that allow any individual to will his body or eyes to medical science. Other states still follow common law rules which do not recognize the dead human body as property which can be disposed of as merchandise. ("Cadaver nullius in bonis", no one can have a right of property in a corpse.)

Under common and statutory law, the surviving spouse or next of kin has a right to possession of a body for the purpose of burying it.[1] It must not be mutilated in any way between the time of death and the time it is turned over to the proper person for burial. This means that it is impossible for a man to dispose of his body after his death in any manner which will violate the right of his spouse or next of kin to bury the body. The American Medical Association's Law Division recommends that an executed document such as a will is necessary for the testamentary disposition of the body.

LAWS NEEDED TO CARRY OUT DONOR'S WISHES

What we actually need is a model law that would give any person or his kin the right to donate his body or any organs for medical use. It would protect doctors from lawsuits and other legal pressures. This law should even go so far as to permit qualified coroners performing necessary autopsies to remove organs needed for medical purposes but not for the autopsy. The law should also include an escape clause to permit a person to change his mind and revoke such a decision before death.

I might point out that the General Assembly of Pennsylvania enacted the "Eye Bank or Body Part Bank Law" which states:

"Whenever any person shall, in a will or other written instrument, direct that any part of his remains be given for the use of any non-profit eye bank or body part bank, the person or persons otherwise entitled to control the disposition of the remains of such decedent shall faithfully and promptly carry out the directions of the decedent, and, if such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date." (Act 1959, Nov. 30, P.L. 1617, Sec. 1; 35 P.S. Sec. 5001).

This Act recognizes the fact that prompt action must be taken to preserve body parts for any future use.

LAW MUST GROW WITH PROGRESS

Without going further into the fascinating field of transplant surgery or organ transplants, I want to urge you today to lend every effort to see that the law keeps pace with medical progress.

Justice Benjamin N. Cardozo recognized that the law must meet changing conditions in other fields when he said: "Existing rules and principles can give us our present location, our bearings, our latitude and longitude. The inn that shelters for the night is not the journey's end. The law, like the traveler, must be ready for the morrow. It must have the principle of growth." (Cardozo, Growth of the Law 20 (1924).)

To be "ready for the morrow" I urge prompt action by the legal and medical professions in evolving a practicable and workable procedure for transplant surgery within the framework of the law. As a first step, I propose that a blue-ribbon committee of our most knowledgeable legal and medical leaders be named by the bar associations and the medical societies in every metropolitan community.

This committee would draft new laws permitting persons so desiring to contribute their bodies after death to a central human organ, parts and tissue bank for the use of suffering humanity.

DEPOSIT OF CONSENT DECLARATIONS ENCOURAGED

Of utmost importance is a provision in the law to provide for the immediate use after clinical death and before biological death of the donor's body and vital organs. It is not practical to do this through a will. Several days ordinarily transpire after death before the executors read the will and move to carry out its provisions. In our society it is considered almost obscene to probe the contents of a will before the funeral.

I propose that we solve this problem by providing for some form of consent—a bind-

[1] Pettigrew vs. Pettigrew, 207 Pa. Supreme Court 313 (1904). Leschey vs. Leschey, 374 Pa. Supreme Court 350 (1953).

ing written declaration. This consent declaration would become effective upon clinical death. It would deny the next of kin any opportunity to circumvent the express wishes of the donor concerning the disposition of his body.

The voluntary consent of the prospective donor must be properly obtained after he is carefully advised of all of the ramifications of the proposal. It is highly important that this written consent document be deposited where it is readily available to all the hospitals, medical institutions and qualified physicians in a particular community. I recommend this be done by establishing and operating a Donor's Consent Bank. This would be a central agency where documents of consent for the use of bodies or any parts of the body would be filed immediately upon execution and would be readily available to the entire medical community.

COMPUTERS TO SPEED TRANSPLANTS

Since time is of the essence, I suggest the use of a computer system where the names of donors, the parts of the body donated, and other pertinent information could be retrieved in a matter of milliseconds.

With the death of a prospective donor imminent, a surgeon awaiting the opportunity to use a strong, healthy heart, a kidney, etc., could dial a certain designated telephone number and get the information immediately. Various fail-safe provisions should be utilized to avoid any possibility of error. Since a man's Social Security number is his alone from the cradle to the grave, perhaps this number should be used for positive identification. The Internal Revenue Service finds it a fail-safe means of identifying taxpayers.

As part of the operation of the Consent Banks, I strongly urge discretion in any publicity involving transplant operations. The donor and his family might well be proud of his contribution to the bank, but any announcement should originate with them. Publicity regarding the donee, especially in any heart transplant, is another matter. Few would argue that it is wrong to announce that a dying man has been given a new heart, but it is debatable whether we should identify the donor. The bereaved family might be greatly disturbed by such identification. Such publicity also might discourage many prospective donors from signing consent agreements. Anonymity also would protect the surgeon from possible censure about the decisions he must make in such operations.

STATE AND FEDERAL AID PROPOSED

Because of their importance and the problems involved, both the Donors' Consent Banks and the Body Parts Banks should be centrally established and operated. Laws should lay down uniform standards and practices. Federal and State financial help should be made available in a matter so vital to the public health and welfare.

Establishing and operating such banks would accelerate the work of many medical centers in the field of transplantation. Already we are accustomed to hear of surgical success in transplanting the spleen, the pancreas and the duodenum. Blood transfusians, bone marrow implants, bone and skin grafts—which are all transplants—are accepted as routine. So are grafts of the corneas of the eyes and the dura, the envelope enclosing the brain. With science progressing at such a rate, as it is now, perhaps some day heart transplants will be viewed as more or less routine surgery.

A bill now in the United States Senate's Committee on Labor and Public Welfare proposes creating a National Commission of Transplantation and Artificial Organs. This is an attempt on a national level to solve some of the problems that I have outlined today. What I am suggesting is a grass-roots approach spear-headed by a task force of doctors and lawyers who can quickly marshal and utilize all the resources of our great professional organizations in a practicable and workable manner that will be beneficial immediately.

The sooner we safeguard the surgeon with proper laws and proceed with the establishment of central Donors' Consent Banks and multiple Body Parts Banks, the sooner mankind will benefit from today's medical miracles. The law must keep pace with modern science. That is our challenge. That should be our goal.

The eminent Chinese philosopher Chunag-tzu in 400 B.C. aptly summed up the crux of today's promise when he said:

"Life follows upon death. Death is the beginning of life. Who knows when the end is reached?"

Renegotiation Board Continues To Save Taxpayer Money

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. VANIK. Mr. Speaker, at a time when the Ways and Means Committee is considering the future of the Renegotiation Board, it is particularly fitting to note the day-to-day successes of these "silent watchdogs of the Treasury." The Board, which was created in 1951 to prevent excess profits from accruing to defense, space, and atomic energy contractors, has in the last few weeks been upheld on three cases of excess profits in the U.S. Tax Court.

Most of the Board's work of saving the taxpayer's dollar is done silently, without cases going to court. Since its inception, the Board has made a total of 3,755 determinations of excess profits which have resulted in the return to the Treasury of $950 million; 89.9 percent of these determinations were accepted by the companies concerned without appeal. Even when the Board's determinations are contested in the Tax Court, the Board has a winning record. Of the 111 cases which have been disposed of as of July 1, 1967, the Board was upheld in 65 cases; the Board's findings were increased in 6 cases, and decreased—but not thrown out—in 40 cases. This is a clear indication of the Board's competence and excellence.

I have attached an article which appeared in the Cleveland Plain Dealer, April 3, 1968, describing these three most recent successes of the Renegotiation Board in its constant struggle to save the taxpayer's dollar:

THREE ORDERED TO REPAY $1.3 MILLION PROFITS

(By Sanford Watzman)

WASHINGTON.—The Renegotiation Board has been upheld on three cases of excess profits and a fourth appeal was filed at U.S. Tax Court in the last few weeks.

Ordered to repay $1 million to the federal treasury was the Hess Oil & Chemical Corp., formerly the Oliver Corp., a subcontractor on an Air Force procurement.

Tide-Bay, Inc., a piping contractor in Alaska, and Associated Testing Laboratories, Inc., which did missile work, were directed to rebate $150,000 each to the government.

The new appeal was filed by Transducer Patents Co. of Los Angeles, which the board has dunned for $770,000 for fiscal years 1957 through 1964.

In the first case the Oliver Corp. and a subsidiary received a subcontract to build fuselages for the Boeing Airplane Co., which itself has a record at the board for profiteering.

The board asserted that Oliver overstated its costs by $1 million in 1954, one reason being that it improperly charged off some advertising as an expense. Company profits reviewed by the board that year totaled $50.3 million.

The case of Associated Testing, which did work on the Pershing missile, dated from 1961. It realized a profit that year of $406,795, or 24.3%, the board charged.

Tide-Bay was said to have made a profit of $323,455 in 1954. Its major contracts were for piping and storage of oil at Eielson Air Force Base, Alaska.

Transducer was organized in 1952 to purchase five patents from the Curtiss-Wright Corp. for $135,000. It then licensed these patents to Statham Instruments Inc. and proceeded to collect royalties.

It was these payments, amounting to $2.1 million, that were challenged by the board, which asserted that Transducer reported total costs of $231 for the years at issue.

The board said:

"The contractor (Transducer) had no employes, and the relatively small amount of administrative services required for the conduct of his business was performed by (Transducer's) general partner, Louis D. Statham, who was also president, chief executive officer and major stockholder of the related corp. (Statham Instruments)."

In its petition, Transducer denied that it made any excess profits, and it disputed some statements made by the board.

Toward a Stable Budget Policy

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. RUMSFELD. Mr. Speaker, it is past time for the administration to give serious attention to achieving a stable monetary policy.

The administration's policies to date have fostered inflation, high interest rates, serious balance-of-payments deficits, and a crisis in gold. We cannot afford to continue under such a program.

A thoughtful discussion of the U.S. economy was presented in February 1968 by Dr. Beryl W. Sprinkel, vice president of the Harris Trust & Savings Bank, of Chicago, Ill., in a speech presented to the Boston Economics Club. Entitled "The U.S. Economy in Disarray," the speech concentrates on the specific problem areas I have mentioned above.

I offer Dr. Sprinkel's speech at this point in the RECORD and commend it to my colleagues:

THE U.S. ECONOMY IN DISARRAY

(Speech by Dr. Beryl W. Sprinkel)

INTRODUCTION

February, 1968 marked the completion of seven years of continuous economic expansion of the U.S. economy. Never has the nation experienced a more productive era, a wider sharing of worldly goods nor greater concern about the underprivileged. Yet the mood of businessmen and economists in the U.S. is one of unrest, disappointment, and

fear of the future. Never has it been more clear that serious economic problems can develop despite a high and rising GNP.

This paper will concentrate on three problem areas—inflation, high interest rates, gold and the balance of payments, as well as proposed remedies. It will be argued that application of "New Economics" principles is largely responsible for giving us the sorry spectacle of the mightiest economy in the history of the world in avoidable disarray. Not only are the theoretical underpinnings of the "New Economics" on shaky ground, but contrary to recent arguments of the Council of Economic Advisors their application has not been consistently in the right direction even though admittedly of inappropriate intensity. Obviously, unanimous agreement with these propositions is unobtainable but disenchantment with the "New Economics" does appear to be rapidly developing as serious problems abound in the midst of prosperity.

Before arguing the above positions, let me define what I mean by the "New Economics". The hallmark of the "New Economics" is that economic policy-makers now know enough to properly prescribe and frequently adjust economic policies so as to consistently add just the right amount of economic stimulus or restraint. Second, the "New Economics", utilizing the Keynesian analytical framework, places fiscal policy in the King Pin role while minimizing the stabilization role of monetary policy. Finally, from time to time the "New Economics" argues the imposition of wage-price guidelines and other direct controls and persuasion will lower the inflation threshold and contribute in a significant way to the attainment of economic stability.

BRIEF REVIEW 1961 TO MID-1965

Let us first review a recent period characterized by economic euphoria when the economy performed well and "fine-tuning" established its favorable, if undeserved, image.

Due largely to monetary-fiscal actions taken in 1960 and early 1961, the economy began recovery in March 1961 and for over four years maintained well balanced noninflationary growth. Economic policies were appropriately expansive since there was substantial underemployment of productive resources. The money supply grew at a moderate but adequate 3% annual rate in contrast to about 1% during the preceding eight years. The Federal budget was in a deficit position and a sizeable tax cut became effective in the spring of 1964.

The only pause in expansion occurred in the latter part of 1962 following a sharp though temporary decline in monetary growth. Despite fears the economy was headed into a fifth post-war recession, economic expansion resumed in early 1963 following a renewed rise in monetary growth.

Although the 1964 tax cut has received most of the plaudits for the economic expansion, this argument has little empirical base. Renewed expansion occurred more than a year before the 1964 tax cut and continued over 2½ years after the reduction. Furthermore, there is no evidence that activity accelerated shortly before, shortly after, or coincident with the tax reduction. There have been three post-war tax cuts of approximate equal size in relation to the size of the economy. Following the 1954 and 1964 tax reductions the economy expanded but following the 1948 tax cut the economy shortly went into a recession. Although this variation in performance is difficult to explain on fiscal grounds, it is readily explained by the accompanying monetary policy. An expansive monetary policy accompanied the 1954 and 1964 tax reductions but a reduction in monetary growth preceded and followed the 1948 tax reduction. Contrary to the tenets of the "New Economics" the evidence suggests monetary rather than fiscal changes are the most important determinant of subsequent income trends. Monetary and fiscal policies are questionable substitutes, as frequently asserted, but should be viewed as complementary.

Although 1961 to mid 1965 was the period when "fine-tuning" established its favorable image, this reputation was undeserved. This was a period of "gross tuning" at its best. Largely stable and expansive economic policies were pursued at a time when the economy was seriously under-utilized. Appropriately stable and expansive economic policies largely accounted for the excellent economic performance witnessed. The opportunity for "fine-tuning" began in mid-1965 when the economy achieved approximate full employment and the results have been unsatisfactory.

CURRENT PROBLEMS

Inflation

Who would have believed that in the midst of the most serious inflation since Korea, "New Economics" policy-makers would be pursuing the most expansionary set of monetary-fiscal policies since World War II? Not I! Current actions are obviously inconsistent with stated objectives of pursuing policies designed to stabilize economic activity. How then did this sorry state of affairs come to pass? Only by determining the cause of current mistakes can we hope to avoid a repeat. In my opinion, poor economic forecasting in combination with inaccurate economic theorizing explains current difficulties. The former is unfortunate but understandable in view of inherent difficulties. The latter regrettably reflects almost exclusive reliance upon Keynesian theory to the virtual exclusion of superior alternatives.

Most analysts, including Administration economicts, seriously underestimated the rising cost of the Vietnam war. Hence, there was an observable reluctance to either raise taxes or reduce non-war expenditures until well after inflation was rekindled. Large Federal deficits are unfortunately characteristic of war periods and the present is no exception. Although on theoretical grounds it should be possible to run large deficits emanating from rising Federal spending without serious inflation, as a practical matter, it has never worked out that way. It should be possible to retrench the private economy with a less expansionary monetary policy, but unfortunately monetary policy has recently added to the inflationary thrust of fiscal policy.

During the period from mid-1965 to spring 1966 both monetary and fiscal policies added increased impetus to the spending stream just as the economy attained near full employment and inflation accelerated. From the spring of 1966 until late fall, fiscal policy continued its expansionary stance but monetary policy shifted drastically from a 6% growth rate in the money supply to a 2% contraction rate. The results when combined with ceiling rates on financial institutions were: (1) a near monetary crisis as "disintermediation" became widespread and, (2) a subsequent slowup in the economy.

Late in 1966 monetary policy resumed an expansionary stance which continued up to recently. During 1967 the money supply grew 6½% while the money supply plus time deposits increased 12%. The principal reason for the shift from a tight money policy to an easy one was, in the first instance, an attempt by the Federal Reserve to cushion the weakening private sector of the economy. Such a move was indeed proper. But by spring it was clear that a recession had been averted. Yet both monetary and fiscal policies remained decisively expansive. Serious inflation was the inevitable result.

Now it is argued that private restraint must provide the appropriate inflation antidote. Restraint is to be induced by a modest tax increase plus exhortations to business to absorb rising costs without price increases and labor to refrain from making large wage requests. Unfortunately, when final demands are strong due to excessively expansive monetary-fiscal policies, there is little reason based on past performance to believe private restraint will be exercised. Economic incentives point in the opposite direction and moral suasion by public officials will not change them. The proposed tax increase also offers little hope of a quick containment of inflation both because the size proposed is modest in relation to the problem and also because it remains questionable whether Congress will permit even the modest increase. Some recommend a resort to direct controls on wages and prices but again the history of such an approach yields no grounds for optimism. As recently pointed out by the Council of Economic Advisers controls attack symptoms rather than causes, encourages uneconomic decisions while creating black markets and evasion, plus a vast bureaucracy required for enforcement. Unfortunately, once inflationary pressures and inflationary expectations are excited, there probably is no prompt way of restoring stability. A slow and modest reduction in monetary growth accompanied by fiscal restraint is probably the best hope, but the cure will not be prompt.

High interest rates

In early 1967 President Johnson assured the nation that he believed low interest rates were in the best interest of the nation and that all the powers of his office would be used to see that rates remained low. Yet interest rates rose each month and ended the year at the highest level since the Civil War. How can these facts be explained? Surely no one would contend that the office of the President of the United States has no power to influence interest rates nor is there doubt that the Administration prefers lower interest rates. But there is reason to believe that faulty analysis explains the disparity between objective and results. Conventional Keynesian analysis utilized by the "New Economists" argues that a rapid increase in the quantity of money places downward pressure on interest rates. In the very short-run this argument is undoubtedly correct. An increase in the supply of any commodity or service tends to reduce its price. But the Quantity Theory of Money argues that there is something unique about the quantity of money with respect to its effect upon the economy. With an appropriate and rather short lag a rapid increase in the quantity of money, similar to the pattern in 1967, stimulates spending on goods and services. If this stimulus occurs at a time when the economy is fully employed, as in 1967, it will shortly bring an acceleration in general price increases. As inflationary expectations are stimulated the demand for money also rises. Borrowers become more keenly aware that they will pay off their debts with cheaper dollars. Delay of expenditure projects will merely result in higher costs. Spenders become increasingly willing to borrow more, even at higher rates of interest. Lenders, aware that they will receive payment in cheaper dollars insist on a hedge against expected inflation by demanding higher interest rates. Hence, the surest way to get higher interest rates when the economy is fully employed is to pursue an easy monetary policy. Nor is United States' experience unique. Those countries around the world that have permitted the largest increase in the money supply also suffered the greatest inflation and the highest rates of interest. South American countries such as Brazil, Argentina and Chile are examples of the effect of serious inflation on interest rates while the United States was until recently the best example of a country with only a mod-

erately expanding money supply, stable prices and low interest rates.

Balance of payments and gold

Throughout most of the post-war period the stated and actual stance of the U.S. Government has been to encourage a free flow of trade, capital and tourists between countries. This position was based on the proposition that all countries would benefit from international specialization of resources and that higher living standards would result for all participating countries. The immense improvement in economic well-being in most major trading nations is a testament to the validity of that approach.

But alas, U.S. actions are now leading the world in the opposite direction of withdrawal, restrictions, and retrenchment. The pattern began in 1963 when the interest equalization tax was passed in an attempt to discourage foreign capital issues in this country which were placing downward pressure on our gold supply as foreigners found the cost of capital raised in our noninflationary economy less than in their own. We were assured that the tax would be temporary and would be rescinded in 1965 as our balance of payments came into balance. We still have the tax and unfortunately many other similar direct control measures have subsequently been imposed. We have adopted a "Buy America" program whereby we supply goods and services to meet obligations abroad by purchase in the United States even though it is frequently cheaper to buy abroad. We insist upon "tied aid" whereby foreign countries receiving aid from the United States must spend their money in this country even though it might be more economically spent abroad. The United States instituted "voluntary" controls on bank lending and corporate investments made abroad. This program has now been made mandatory for corporations and a large bureaucracy is being assembled to enforce the program. Authority is available to make the bank program mandatory and permitted ceilings have again been lowered. A complicated tax on U.S. tourist expenditures has now been proposed. Serious consideration is being given to imposing a border tax on imports and a subsidy on exports.

In 1776 Adam Smith wrote a book entitled "The Wealth of Nations". Perhaps the fundamental contribution of that book was to convince the world that the wealth of a nation is determined by its ability to produce goods and services in quantity and quality. This proposition is still generally accepted but it was not always so. During Adam Smith's lifetime the prevailing doctrine was presented by the Mercantilists who argued that the wealth of a nation was determined by the amount of gold it possessed. Hence, many countries adopted Mercantilists' measures such as quotas on imports, tariffs, export subsidies, restriction on outward capital flows, etc. Mercantilists' doctrine and policies, even though wrong, had the virtue of consistency. Today we follow the same policies while contending free trade, capital flows and travel enrich the world. The name of the prevailing game today is "How can we conserve our gold supply regardless of costs?" and policies are consistent with that stance.

The U.S. gold problem is but another example of an attempt to impose an unrealistic price upon a commodity in worldwide demand. The current price is maintained only because seven nations including the U.S. are willing to sell gold on the London free gold market at approximately $35 an ounce. The U.S. provides 59% of gold supplied by the London gold pool. Due to widespread inflation around the world, there is currently an excess demand for gold at the prevailing $35 price. The present price can be maintained only so long as central banks are willing to supply sufficient gold. Unless basic demand conditions moderate substantially, either the price of gold will be permitted to find its free market price or it will be revalued upward and pegged at a higher price. The first alternative would be tantamount to a complete demonetization of gold whereas the latter would retain the present system but with a higher gold price.

The persistent U.S. balance of payments deficit is a related but different problem. Serious recent inflation brought on by overly expansive monetary fiscal policies has contributed to the deficit by encouraging higher imports while reducing the competitiveness of exports. But just as fundamental is a lack of an appropriate adjustment mechanism in the world monetary system fashioned at Bretton Woods which would exert discipline upon both deficit and surplus countries to eliminate imbalances in their balance of payments. There was such an adjustment mechanism in the old gold standards. Deficit countries were supposed (according to the "rules of the game") to adopt restrictive economic policies, thereby reducing incomes and prices, and hence resulting in lower imports, higher exports and inflows of foreign capital. Surplus nations were to adopt expansive policies which would expand incomes and prices and thereby eliminate the balance of payments surplus. But in the post-war period no major nation has been willing to accept this discipline since if a deficit existed, solution would entail widespread unemployment in conflict with worldwide full employment objectives.

Since few economists believe the gold standard adjustment is appropriate for today's world, many now favor greater flexibility in exchange rates. A developing deficit in the balance of payments would result in deterioration in exchange rates which would establish market incentives for limiting imports and stimulating exports. This incentive would develop without the necessity of forcing a depression on the nation concerned. Regardless of the type of international monetary mechanism developed there can be no substitute for domestic economic policies designed to establish price stability. The adjustment in international accounts must be made by a deficit country either in the form of direct controls such as those now being pursued, reduced exchange rate or deflation. It is because many feel restrictions or deflation are too costly that opinion is swinging toward exchange rate adjustments as a preferable solution.

The gold exchange standard of post-World War II has served the world well. The persistent recent trend toward restrictions, the real possibility of competitive retaliations, gold problems, and the threat of speculative runs on additional currencies strongly suggest our present system is in serious need of renovation. Although the proposed creation of SDR's, special drawing rights from the International Monetary Fund, would increase liquidity, this move would in no way improve the adjustment process. If the scheme worked it would probably merely hasten the trend toward worldwide inflation. The changes eventually adopted should permit a resumption of the former U.S. policy of encouraging the free flow of goods, services, capital and tourists while permitting individual nations to pursue a high employment policy. The present international monetary system is clearly no longer consistent with those objectives.

INHERENT LIMITATIONS OF THE "NEW ECONOMICS" APPROACH

Although events since mid-1965 clearly demonstrate the economy can get in serious trouble despite an attempt to apply stabilizing "fine tuning" policies, the question remains, was it bad luck or are there inherent weaknesses in the approach? Empirical data supports the latter hypothesis and not the former. First the record strongly suggests that monetary rather than fiscal change is the major variable influencing final spending and hence inflation. An attempt to subordinate monetary policy to the role of facilitating federal financing in an environment of easy money is a sure way of fostering inflation and high interest rates.

Second, aggressive application of "New Economics" principles requires a degree of perfection in economic forecasting of which mortal man is incapable. Despite a continued improvement in forecasting techniques as well as data collection, the lags in economic policy are frequently longer than the forecasting horizon. Hence frequent change in policy stimulus is apt to be more destabilizing than helpful.

Third, economists are not yet agreed on the proper concepts for measuring fiscal or monetary changes. For example, should fiscal change be measured by the change in the unified budget, cash budget, administrative budget, national income budget, or the full employment budget? Protagonists can be found in abundance for each concept and there is little empirical evidence to aid in ferreting out the best view. Nor does monetary policy avoid this difficulty. A large body of empirical evidence assembled by Quantity Theorists supports the view that monetary policy change should be measured by changes in the money supply or other variables closely related thereto such as bank reserves, total bank credit or the money supply plus time deposits. But another group of economists, largely Keynesian in orientation, prefer interest rates. Many financial observers emphasize free reserves. Unless authorities can agree on how to measure policy change, how can we believe that these policies can be frequently changed so as to promote economic stability? Frequent adjustment is more likely to limit confidence by changing "rules of the game" while destabilizing expectations and economic results.

Finally, there remain formidable lag impediments to the potential success of "fine tuning" even if we can believe the foregoing obstacles can be surmounted. There is the recognition lag which remains despite improvement in forecasting techniques. The execution lag can clearly be as long as two years when tax increases are proposed since Congress still possesses the power of disposal. Even after policy changes have been made, the length of the impact lag is largely unpredictable.

CONCLUSION

In summary, application of overly-expansive and activists' economic policies has fostered inflation, high interest rates, balance of payments deficits—an economy in serious disarray. Instead of offering restraint in Government monetary-fiscal policies, more controls on private decision-making are proposed and others are threatened. Controls attack symptoms and offer no hope for correction, but merely promise additional interference with the functioning of an efficient economy. The "New Economics" has hastened the arrival of the very state of economic instability it sought to avoid. There are good theoretical and political reasons why such an outcome was nearly inevitable. Until more is known about the lags and impacts of economic policies, the nation would be better served by relying more on the inherent stability of the economy while redoubling efforts to avoid highly variable and destabilizing policy actions.

A stable budget policy designed to achieve a balanced budget at noninflationary full employment and accompanied by moderate but stable monetary growth should receive serious consideration. Such a set of policies would almost certainly have achieved better results in recent years than the highly discretionary and variable set of policies actually pursued.

Is the Power To Tax Lodged in Congress or the Treasury Department?

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. DENNEY. Mr. Speaker, last Friday in a letter to all of my colleagues, I directed their attention to an attempt by the Treasury Department to usurp the exclusive power of Congress to tax. Athough interest on Industrial Development Act—IDA—bonds has been tax free for many years, on March 6, by administrative fiat, the Department decided they were subject to tax.

When the other body considered H.R. 15414, Senator CURTIS was successful in amending that bill to provide that IDA bonds would be tax-exempt until further act of Congress. However, Senator RIBICOFF tacked on another amendment which provides that the interest on these bonds would be subject to tax after January 1, 1969. In my opinion, the Ribicoff amendment is also unconstitutional, based on the reasoning set forth in my letter of March 29.

It is ironic indeed that many are pointing out the need for massive Federal spending to create new jobs to solve the problems of the ghetto and rural poverty, but still insist on destroying a proven technique to create those new jobs. Good examples of the benefits of this type of industrial revenue financing can be found in Georgia, Missouri, and Tennessee.

Georgia: Created 14,000 jobs; estimated annual payroll, $63,000,000.

Missouri: Created 16,300 jobs; estimated annual payroll, $101,000,000.

Tennessee: Created 61,000 jobs; estimated annual payroll, $317,000,000.

Certainly, it is better to create jobs through private industry than resorting to massive spending programs by the Federal Government.

One of the arguments that opponents of industrial revenue bond financing advance is that industrial revenue bonds constitute a tax dodge. Such a statement is unfounded. Although such financing may provide a lower rate of interest in today's tight money market, the belief that the Treasury would derive greater benefits if these undertakings were all financed with taxable corporate bonds is open to serious question. What many fail to recognize is that the taxable bond market is dominated by purchasers such as pension funds, foundations, life insurance companies, and mutual savings banks, which have themselves been granted full or partial tax exemption by the Federal Government. Of the $17 billion of corporate bond net issues for the year 1967, $13.2 billion went into nontaxable hands, representing 77.6 percent of the corporate issues.

If we assume first, that $1½ billion of tax-exempt industrial bonds issued in 1967 had been issued as taxable bonds and second, that the U.S. Treasury figure of the 1½-percent spread—from 4½ percent to 6 percent—were all issued as taxable bonds and third, that the same percent of the $1½ billion of industrial bonds—now taxable under the assumption—went into taxable and nontaxable hands at exactly the same percent as the $17 billion of corporate, the following would be the results: First, the corporations issuing these bonds would have as a deduction the additional 1½ percent needed to service the interest on these bonds and they would have additional deductions of $22.5 million. Assuming the normal tax bracket of 48 percent, they would then pay $10.8 million less in the income taxes to the Treasury. These same corporations on the $1½ billion of tax-exempt industrials which we have assumed for this presentation were all issued as corporate bonds will pay $90 million of interest rather than $67.5 million they pay as tax exempts at the rate of 4½ percent. The same percent of these bonds—22.4 percent would go into taxable hands—resulting in $20.16 million in taxable income assuming a 50-percent tax bracket for purchasers of these bonds, this would result in an additional income to the Treasury of $10.08 million.

Therefore, using the Treasury figure of 1½-percent spread between taxable bonds and industrial revenue bonds—tax-free bonds—the Treasury lost $10.08 million of taxes on the one hand but gained $10.8 million of taxes on the other resulting in a net gain to the Treasury of $720,000. One cannot help but contrast this minimal amount in tax revenues with the $383,600,000 expenditure by EDA to attract new industry which uses tax dollars rather than the IDA route which generates tax dollars.

Mr. Speaker, I can see no reason why States and their municipalities should be denied the right to attract new business via the industrial revenue bond route when the Federal Government, through its EDA and Appalachian programs, is attempting to do the same. In fact, the IDA bond route is preferable because it is done through private enterprise and does not require a massive bureaucracy to administer it.

Mr. Speaker, I recognize there may have been abuses in this funding technique. However, if we let the Ribicoff amendment stand, we have denied the States the benefit of a hearing. Therefore, it would be my hope from a constitutional standpoint as well as being fair to all concerned, that our conferees support the Curtis amendment and reject the Ribicoff amendment so that the House Ways and Means Committee may give the matter due consideration.

The Greek Premier: A Soldier Who Fought Fascists, Nazis, and Communists

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. DERWINSKI. Mr. Speaker, the Prime Minister of Greece, George Papadopoulos, has been the subject of an intensive barrage of criticism since he and his associates have held the reins of government in their country. Much of this criticism has been unwarranted, while a good deal has stemmed from visible leftist sources.

It is refreshing to note an objective biographic commentary on Prime Minister Papadopoulos in the Friday, January 19, edition of the Canadian Jewish News, a most reputable progressive publication. This item has just come to my attention and I feel its insertion in the RECORD will help project proper understanding of the background and character of Prime Minister Papadopoulos.

The biography follows:

G. PAPADOPOULOS—THE GREEK PREMIER: A SOLDIER WHO FOUGHT FASCISTS, NAZIS, AND COMMUNISTS

His Excellency George Papadopoulos, present Prime Minister of Greece, is a relatively young man so far as statesmen go. Yet in his forty-nine years he has been active in many areas, military and political. A colonel of the army until he became prime minister, Mr. Papadopoulos is known as a fighter. Twice he was awarded the Gold Medal of Valor and twice the War Cross.

The present Prime Minister of Greece is a man of the anti-German resistance during World War II. He fought the Nazi invaders valiantly as he had the Italian Fascist occupants before them. When the Communists tried to enslave Greece, he again was on the battlefield fighting for the true independence of his country.

Mr. Papadopoulos now has succeeded in stabilizing his free enterprise government which assures not only liberal international trade policies but also absolute religious freedom for all Greeks, Christians, and Jews.

He accomplished, in the words of an international correspondent, "the delicate task of moving the regime through its military phase" into the present political stage.

George Papadopoulos was born in Eleochorion, Achaia, in 1919. In August, 1940, he graduated from the War Academy as Second Lieutenant. Two months later the Greek-Italian war imposed by Mussolini broke out and he found himself in the frontline. He served on the Albanian front through the six-month war as a platoon leader and lieutenant.

When the Germans occupied Greece, he joined the national resistance units in the struggle against the Nazis.

Soon after the deliberation, Papadopoulos was appointed staff officer and subsequently moved into intelligence.

Again when the Communists launched the civil war, Papadopoulos joined the active defence forces serving for nineteen months as commander of an artillery battery.

During this period, fighting against foreign Communist invasion, George Papadopoulos was promoted to Captain; then, in 1949, to Major.

Throughout this period his record was described as "excellent" and more medals were added to the three he had been awarded during the Greek-Italian war. This time he received the Medal for Distinguished Conduct, the Silver Cross of the Royal Order of George I, with swords, and four war crosses. He graduated with top marks from both the artillery school (1945) and the training officers school in the Middle East (1946).

At the end of the war against Communist invasion he was again assigned to the artillery school as instructor. He attended at this time also the school of the army engineers corps, and was awarded another—the tenth—medal, the Gold Cross of the Royal Order of George I, with swords.

During the last five months of 1952 and up to September 1953, he served as artillery unit commander and, subsequently (up to January 2, 1954) he taught at the artillery school, for the last time, as instructor. From June to September 1953, he attended the American Methods Section of the artillery

school from which he graduated with top marks.

In 1954 he was awarded the Medal of Military Merit.

From 1955 to 1957, he served at the (A2) Intelligence Bureau of Army General Staff and, for the following two years, as chief of staff of an artillery division. In August 1956 he was promoted to Lt. Colonel. In the period following 1955 he attended the following schools and special military training courses:

(a) 1955—The Higher War School
(b) 1956—The Naval Academy
(c) 1958—The Armed Forces School of Special Weapons

For the following five years (August 1959-July 1964) he was posted to the Central Intelligence Service. In August 1960, he was promoted to Colonel and was awarded the cross of the Commander of the Royal Order of Phoenix.

During the last three years he served in the following posts: From July 1964 to October 1965, commander of the 117 field-artillery unit, from October 1965 to August 1966, in the first army force, from August 1966 to April 21, 1967, when he was appointed Minister to the Prime Minister's Office, he served at the 3rd staff bureau of the Army General Staff.

Greece is a member of Nato and thus an ally of both Canada and the U.S.A.

St. Onge Endorses Teachers in Politics

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. ST. ONGE. Mr. Speaker, I am particularly pleased to note that the period April 5–7 has been designated as "Teachers-in-Politics Weekend." In the past I have strongly advocated a general political awareness on the part of our teachers, as well as their involvement in public affairs. The United States has a duty to provide the best possible education for its young people, and this is an area in which our teachers are uniquely qualified to offer advice and assistance. For far too long those to whom we have given the sacred trust of training the minds of our youth have remained unorganized and silent in the face of school conditions which have demanded change and improvement.

In becoming politically active and astute to questions of national policy our teaching profession will develop as a significant source of new ideas and interpretations concerning the problems facing the State legislatures and Congress. Because of their daily exposure to a cross section of the Nation's youth, extensive academic training, and natural propensity to think in terms of what ought to be, as well as what is, the capabilities of our teachers should be grafted into the political process. They represent a rich fund of intellectual talent which the country can ill afford to ignore, and I believe that the National Education Association's current efforts are an important step in this development.

The political activism of teachers and their full indoctrination into the realities of our political system will also work in other worthwhile ways. Thus, as well as being an infusion of fresh thinking upward into the decisionmaking process, it will have a tremendously enlightening influence downward into the education experience of tomorrow's leaders. It is never too early to start students thinking in terms of what has to be done to improve the quality of life in our Nation, and the means by which its problems may be solved. The creation of an early understanding of, and zeal for national betterment, combined with an appreciation for the workings of our political forces can go far toward the development of an informed and conscientious electorate. It will help insure that those running for public office are responsive to that which is best in the national welfare, and make it increasingly difficult for self-serving partisan interests to find representation.

The participation of the teaching profession in political activity is in effect only an extension of an honored theme which has run through much of the history of Western ideas. It goes back at least to the time of Plato who was a powerful and eloquent advocate in the cause of academicians assuming a role of political leadership. The National Education Association is thus giving present-day form to the age-old Platonic ideal of "philosophers becoming kings." I, therefore, look forward with great optimism to the development of this concept, and unequivocally endorse the full participation of teachers in politics.

Mr. Speaker, I wish to take this opportunity to express my personal appreciation to all our teachers for their dedication and their efforts, sometimes under very difficult circumstances, in imparting education to the youth of our Nation in these trying times.

The Gold Rush and John Kenneth Galbraith

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. PODELL. Mr. Speaker, like millions of Americans, I have followed carefully and studiously the factors and circumstances comprehended in the phrase "the international gold crisis." To most of us international trade and foreign exchange are entombed in mystery. Some there are who, like Senator EUGENE J. MCCARTHY, boast that they earned an A in economics. Others, like Senator ROBERT F. KENNEDY, boast of their D grade in economics, thereby suggesting that the inability to comprehend the intricacies of this sphere of human thought is a notable achievement, a suggestion I wholeheartedly endorse.

Initially, it had been my understanding that the gold crisis resulted from the closing of the Suez Canal, which produced a monthly drain of £50 million on Britain, which in turn created circumstances compelling Britain to devalue the pound and that such devaluation precipitated the gold rush of 1968. This is indeed a simple and understandable, though perhaps naive, thesis. It suggests the pervasive impact of the domino doctrine on international economics as it is on foreign affairs. I understand now, from more recent discussions of this esoteric discipline, that the reason for the gold rush is the low level of U.S. taxes and the high level of U.S. appropriations.

It is my understanding that in economics, as in icebergs, it is not what's up front that counts, but rather what is underneath, that subsurface, invisible, passionate, seething turbulence that moves mountains and shapes destinies. In order to explore and comprehend this subsurface turbulence, I turned to the studies of John Kenneth Galbraith, whose works are hailed by his publishers as "fresh and lucid" expositories of the subculture of economics. John Kenneth's words are indeed fresh, but not necessarily at all times lucid.

In fact John Kenneth Galbraith's works are as strange a melange as his Scotch Canadian ancestry, a mix which Escoffier would never recommend to a gourmet, though the life and works of John Kenneth bear eloquent testimony to the viability of that concoction.

THE THINKING MAN'S GUIDE TO JOHN KENNETH GALBRAITH

The principles of economics as developed by John Kenneth Galbraith can be simply summed up as follows:

My name is John Kenneth Galbraith.
My economics you must take on faith.
"For prosperity unalloyed,
We need more unemployed."
So saith John Kenneth Galbraith.

This apocalyptic vision by Galbraith, initially propounded in the affluent society, ordains "abandonment of our national commitment to full employment," and warns that the achievement of that goal would be "inflationary" and destroy the "social balance" which glorifies private opulence in a nation shamed by public squalor.

However, it was not until publication of the "New Industrial State" that the fully matured Galbraithean eschatology first hit the book stores. In this volume, John Kenneth enunciates the "doctrine of maximization," a human expression pregnant at once with both hope and despair, which ranks as the finest intellectual achievement since publication in 1905 of Einstein's special theory of relativity, and is as equally comprehensible.

JOHN KENNETH GALBRAITH AND THE WORKING GIRL

The heart of the doctrine of maximization is fully set forth in this truncated excerpt:

The members of the technostructure do not get the profits that they maximize. They must eschew personal profit making. Accordingly, if the traditional commitment to profit maximization is to be held, they must be willing to do for others, specifically for stockholders, what they are forbidden to do for themselves . . . one must imagine that a man of vigorous, lusty, and reassuringly heterosexual inclination eschews the lovely, available and even naked women by whom he is intimately surrounded in order to maximize the opportunities of other men whose existence he knows of only by hearsay. Such are the foundations of the maximization doc-

trine when there is full separation of power from reward.

Thus spoke John Kenneth Galbraith, on page 117 of the "New Industrial State." His very words—tall words indeed, even from a man universally acknowledged to be the tallest man who ever made it as Ambassador to India and the tallest man who never made it as a basketball player.

The striking description of America's powerful men who rule the technostructure, intimately surrounded by lovely, available, and naked ladies prancing about has had a profound impact upon every segment of American social and intellectual life. A wife gazing upon her spent and exhausted husband after a hard day in the technostructure wonders whether her vigorous, lusty, and reassuringly heterosexual spouse may have that day not eschewed but had instead taken unto himself what rightfully belongs to the stockholders.

By the same token, stockholders throughout the land are engaged in riotous protest because they had not in years had their opportunities maximized nor received as stockholders their fringe benefits so glowingly described by John Kenneth Galbraith.

The U.S. Office of Education reports unprecedented demands for admission into schools of business and administration, as youngsters in increasing numbers seek a place in the technostructure. The National Institute for Mental Health insists upon additional millions for research into the psychological, physiological, psychiatric, anthropological, sociological, and anthropomorphic consequences of vigorous, lusty, and reassuringly heterosexual males who eschew and maximize for others, like eunuchs in a seraglio, opportunities with the lovely, available, and even naked ladies who intimately surround them.

An imponderable and intriguing question remains: on the assumption, as Galbraith insists, that the lusty, vigorous, and reassuringly heterosexual do, in fact, eschew, it is possible that the lovely, available, and even naked ladies escheat—that is, revert to the technostructure like unclaimed bank deposits. Not one to turn aside intriguing research nor one to turn down an easy dollar, John Kenneth will explore this question in a forthcoming issue of Playboy magazine, suitably illustrated in color, showing the technostructure in intimate surroundings.

The world will be a poorer place because John Kenneth is prepared to abandon economics for other fields of intellectual pursuit. His first novel, to be published shortly, is scheduled to hold first place for 37 weeks on the New York Times best seller list. Shortly thereafter, he will publish his autobiography, appropriately entitled "The Beautiful American."

As he dabbles in the technostructure, so does John Kenneth dabble in the politicostructure. In that sphere, however, he is presently immobilized, soliloquizing like the princely Hamlet, whether 'tis nobler in the mind to board a wagon that may win or to take up arms in behalf of a cause that may lose; whether to stay with those who are clean for GENE or to switch to those who are throbby for BOBBY.

A reading of John Kenneth Galbraith does indeed clarify the international monetary problem. The issues before Congress, in Galbraithean terms, is whether we are prepared to maximize our taxes and minimize our appropriations.

Growing Support for the Teacher Corps

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, during the last session of the Congress, I joined with my freshman colleagues and other Republican members in supporting a re-direction of the Teacher Corps and providing the necessary funds for it to continue.

Recent comments on the Teacher Corps, including that of the National Advisory Commission on Civil Disorders, point up the value of this very worthwhile program.

For the information of my colleagues, I include a series of comments on the Teacher Corps:

REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS—PART III

PROVISION OF QUALITY EDUCATION IN GHETTO SCHOOLS—IMPROVING THE QUALITY OF TEACHING IN GHETTO SCHOOLS

The teaching of disadvantaged children requires special skills and capabilities. Teachers possessing these qualifications are in short supply. We need a major national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.

The Teacher Corps program is a sound instrument for such an effort. Established by the Higher Education Act of 1965, it provides training in local colleges or universities for teacher interns—college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of a local school system and with approval of the state education agency. They are employed by the school system and work in teams headed by an experienced teacher.

The Teacher Corps has been enthusiastically evaluated by the National Advisory Council on the Evaluation of Disadvantaged Children and the National Education Association in terms of its ability to attract dedicated young people to the teaching profession, train them to work effectively in poverty areas and make a substantial impact on students in these schools.

The impact of this highly promising program has been severely restricted by limited and late funding. As a result, there are now only 1,506 interns and 337 team leaders for the entire nation. The Teacher Corps should be expanded into a major national program. Funding should be provided at a level realistically scaled to the supply of interns and the need for Corpsmen and on a timely basis, so that prospective applicants can plan to enroll.

NATIONWIDE

Resolution by Executive Committee endorsed by the Annual Business Meeting American Association of Colleges for Teacher Education: "The Committee also believes that the Teacher Corps deserves the continuing support of the President, the Congress, and the educational community. The Corps offers a unique opportunity to meet the educational needs of disadvantaged children through the participation of well-qualified young people in an effective training program with direct opportunities to work with these children."

From the Resolution on Education Adopted by the 7th Constitutional Convention AFL–CIO: "The Teacher Corps with its turbulent legislative history has demonstrated that able young Americans will step forward to serve in the nation's poverty schools if they are offered imaginative training and support. The Corps has already made a significant contribution to ghetto school education which has enabled school systems and local universities to provide a practical demonstration of new methods in instruction and teacher training. We in the AFL–CIO hail these efforts. In this connection we urge the expansion of teacher training programs to effectively upgrade the skills of those teachers serving in ghetto school areas."

Charles Cogen, President, American Federation of Teachers: "The American Federation of Teachers reaffirms its long standing support of the Teacher Corps. Now that two years of successful practice in the Teacher Corps has shown that its theory works, we urge that all teachers be given the experience and training that the men and women of the Teacher Corps are now getting. We endorse an extended work-study program in the public schools and the schools of education for *all* teachers, suburban, rural, or inner-city."

Rudolph Sobernheim, Chairman, National Affairs Commission, American Veterans Committee: "There is one aspect of the (Teacher Corps) program which is of special interest to us. The program offers an avenue of socially useful activity to veterans who during their term of service in the Armed Forces have had experience as teachers in vocational as well as perhaps in more academic courses and who have absorbed modern teaching and training techniques. In view of the professed interest of the Armed Forces in helping discharged members of the Armed Forces to find civilian jobs, there is in the Teacher Corps an opportunity which should not be neglected."

Mario Fantini, Program Officer, Public Education Division, The Ford Foundation: "Some people have said that the Teacher Corps really ought to be a new change agent. It is clear what they are saying. I do know that you were given license out of the need, that you have an image that is positive, that you have support, and that you can translate these, if you have the strategy, into a force for fundamental reform. Or you could succumb and become part and parcel of the outdated system and be swallowed by it. I think this is your challenge."

Report of the Task Force on Juvenile Delinquency, President's Commission on Law Enforcement: "Programs such as the Teacher Corps seem useful for bringing new ideas and teaching methods into disadvantaged schools. . . . We recommend that the Teacher Corps be increased to an enrollment of 5,000 to 10,000 annually, and that the emphasis be broadened to include ancillary educational personnel as members of the Teacher Corps teams."

Sterling Tucker, Executive Director, Washington Urban League, Inc.: "Be assured of our interest in this important program and of our determination to seek its enlargement through channels open to us."

Martin Haberman, Director of Teacher Education for Central Atlantic Regional Educational Laboratory, Washington, D.C.: "The analysis that Teacher Corps people must fit in, flee or fight is very germane. I would hope that we would develop a role of teacher, somebody who works only two or three years at most—perhaps for all teachers. So that this idea of fitting in, fleeing or fighting won't be relevant."

Edgar Fuller, Executive Secretary, Council

of Chief State School Officers: "We did and will continue to cooperate with programs which show the ability to adapt themselves to a real federal-state-local partnership in education. The Teacher Corps did and we did."

James Farmer, Professor of Social Welfare, Lincoln University, Former Director, CORE: "I insist that we have to know those other factors which make learning difficult and we must innovate. We must change our methods and offer techniques so that the children do learn. This to me is the exciting thing about the Teachers Corps. The interns very often are living in the communities and are given, hopefully, some familiarity with the problems which make learning difficult for the children. And thus they are made aware that the same methods, the same materials which have proved effective with white middle class youngsters will not be adequate for teaching youngsters whose frame of reference and whose whole background is different. Teacher Corps interns will indeed know that maybe the kid in the class who keeps falling asleep is not being insolent. They'll know that he didn't sleep last night because the entire family is crowding into a one room flat in a Harlem. Or maybe the rats were running around that night. Or maybe he cannot concentrate because he did not have breakfast. Perhaps mama did not get home in time to fix his breakfast or, worse, perhaps there was nothing in the refrigerator, if there was a refrigerator."

Thomas Carr, Director, National Advisory Council on Education of Disadvantaged Children:

"The Teacher Corps is a fine means of harnessing the idealism of an unusual group of young people. It can have a strong impact in the community and in the school, too, as soon as the interns begin really to teach! It is certainly not an effective large-scale recruiting device (as has unfortunately been implied), and in many cases additional effort must be made to revise curricula. However, it's quite clear to me that the experiment is paying off, and that it ought to be continued and expanded."

Frederick B. Routh, Executive Director, National Association of Intergroup Relations Officials:

"Both NAIRO and I are heartily in favor of the Teacher Corps and will do what we can to bring to the attention of our members its need for additional funds."

Rev. Msgr. Lawrence J. Corcoran, Secretary, National Conference of Catholic Churches:

"I recognize the value of the Teacher Corps program and am anxious to see it expanded to reach its full potential. We were dismayed to see the attacks to which it was submitted in Congress last year. It will have our support when it again is due for renewed appropriations."

James A. Hamilton, Director, National Council of Churches:

"We are very interested in the Corps and are anxious to support it in every way possible."

Moe Hoffman, Washington Representative, National Jewish Welfare Board: "The National Jewish Welfare Board, by resolution has endorsed the Teacher Corps and we are actively supporting it."

Rudolph T. Danstedt, Director, National Association of Social Workers, Inc.: "We consider this (Teacher Corps) program one of the truly innovative projects that the Congress has initiated."

Braulio Alonso, President, National Education Association: "In the brief period of its existence, the Teacher Corps has already made an impact on American education. The young people involved as interns, with few exceptions, have brought new vitality to the school systems in which they serve. Perhaps more importantly, because of the potentially far-reaching effect on teacher education institutions, the Teacher Corps program has led teacher educators to make their curricula more meaningful, more applicable to the situation that a great number of beginning teachers face in the disadvantaged urban and rural communities.

"We hope the Teacher Corps will be expanded and extended, for the successes thus far prove it to be essential in meeting the challenges of modern America."

Federal Employees Against the War in Vietnam

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. BROWN of California. Mr. Speaker, 1,672 employees of the Federal Government have expressed their criticism of the Vietnam war in a statement which appeared in the Evening Star on Monday, April 1, 1968. In addition to these names, there are 900 more signers who were not included on this list but who will sponsor a similar ad in the future.

Nine Members of Congress, including myself, signed a statement, which appeared in the CONGRESSIONAL RECORD last Monday, defending the right of Government employees to speak out against the war.

I would further like to support the rights of these American citizens to express their opposition to our Nation's policy in Southeast Asia by inserting in today's RECORD the statement and their names:

FEDERAL EMPLOYEES AGAINST THE WAR IN VIETNAM

We are federal employees, opposed to our nation's policy in Southeast Asia, who view with daily, personal anguish the actions taken in Vietnam by the government for which we ourselves work.

From our position we have seen how the purpose and energy of government are drained by preoccupation with the making of war. We have seen how progress in foreign policy has been obstructed. We have seen how massive national resources are absorbed by a disastrous war while critical domestic needs are inadequately met. And seeing this, we fear the political and moral consequences for the future of our country.

All this, together with the tragic and unnecessary suffering of the Vietnamese people, has troubled our conscience and now compels us to speak out to colleagues and fellow citizens.

We call then for the war's end—which we believe is in America's power to bring about. We call upon our Chief Executive to change his policy in Vietnam, to end his reliance on military force, and to seek instead a genuine political settlement to bring peace to Southeast Asia.

Listed below from more than sixty departments, agencies and offices of the Federal Government, are the names of 1672 employees who have signed their agreement with the following statement. Future advertisements will be published to include new signers and the approximately 900 signers who could not be included in this advertisement.

Peter C. Schanck, Michael W. Ambrose, Charles C. Moran, Michael Tabor, William Christianson, Mary Christianson, Madeleine Golde, Barbara Cristy, David S. Cristy, Richard A. Gladstone, John Twomey, Thomas R. Asher, Judah Leon Rosner, William K. Croll, Dennis M. Skopik, J. Efimenko, Roy M. Waxler, Nancy Strebe, Norman Adams, Kevin Lowther, Dr. Bertrum Donn, Allan C. B. Richardson, Joseph E. Powers, William C. Parke, Carl A. Fenstermaker, Valentin Spiegel, Francisco Ramos, M. Caulfield, John Mangan, Thomas J. Conroy, Linda L. Nord, Barbara Bowman, Brewster B. Perkins, David G. Colwell, Jr., Stephen Guild, Harriet Lee Simon, Shirley A. Schwalm, Paul Connor, Jr., Sherry Hulfish, Dale Kline, Christine Grubbs, Ruth Ann Roland, *——— ———, John Oliver Hand, Joyce A. Ortenburger, Susan Gray, Nancy Tighe, Richard L. Bach, Alan L. Dragoo, Mary C. Dragoo, M. Danos, Harol L. Steinberg, Louis Costrell.

Elmer Eisenhower, John L. Menke, Richard J. Carr, Mason Olcott, Jr., Jean Favors, David R. Seidman, Ruth M. Covell, MD, Thomas G. Fox, Michael Gerhardt, Judith Smedley, Judith Ann Miller, William C. Birdsall, Paul M. Huster, Paul Rapoport, Si T. Kler, Dillon M. Lieber, J. D. Logan, John Fisher, Joyce A. McCracken, Thomas Andretta, Robert L. York, Diane F. Howland, Marcia M. Derfner, Eugene Kinlow, Bernice W. Burns, Phillis McClure, Susan Strauss, Gruendlyn L. Kimbrough, Jacob Schlitt, Robert H. Cohen, Erbin L. Crowell, Jr., Edith J. Bardksale, Mary Ruth Faustich, Michael C. Staren, Debora D. Kramer, Joseph S. Wholey, Jeffrey Weiss, Bayla F. White, Thomas M. Ryan, Donna Levine, Paul Feldstein, Roger Holden, Stephen Bolzin, Charles G. Lubar, Evelynne C. Scott, Howard Silverstone, Rodenic P. Young, Mary N. Loosbrock, Ann Fisher, Carole Williams, Aaron Englisher, Richard Sherman Levine, Frank G. Kerou, Carol B. Kabish.

Larry Cubon, Mary Frances J. Abdalla, Sally E. James, Gail P. Meighan, Armondo B. Rendon, Alison H. Dawson, Barry W. Strejiek, Willine Carr, Marine Desiderio, Jean Gately, Robert Heier, Jean Hale, William Kanter, A. T. Giattina, Daniel Joseph, Norman Knopf, Mortmn Hollander, Stephen R. Felson, Howard J. Kashner, Robert Zener, Patricia S. Baptizte, Jack H. Weiner, Lemnard Henzke Jr., Jerome A. Hochberg, Leslie A. Carothers, Jonathan D. DuBois, Gregory B. Hovendon, Rebecca Schneiderman, Joanthan Rose, Seymour H. Dussman, Marie V. Martin, *——— ———, Joel Davidow, Richard Haddad, Robert B. Hummel, Eugene J. Meigher, Lionel Epstein, Louis M. Kauder, Marion Halley, Marco Sonnenschein, Frank S. Grossi Jr., Edward Lee Rogers, Ann Belanger, Albert Beveridge, Willy Nordwind Jr., Chester C. Davenport, M. Julianne Daggett, Edith L. Butler, Allen D. Wagner, David C. Footman, Nancy R. Berla, Evelyn O. Peel, Roberta Gerard, Howard R. L. Cook, Robert J. Rosenberg, Ralph Martini, Robert J. Taylor, Richard R. Storm, Charlotte W. Lutton, Natalie Wasserman, John J. Mahan, Lee L. Gray, Judith A. Laws, Mary B. Bancroft.

Ruth Galaid, Yvonne K. Brown, Barbara J. Qualters, Carla J. Gebhardt, Beverly Carol Wood, David M. Colt, Martin J. Qualters, Noah Sherman, G. Paul Sylvester, Helen Barney, Robert H. McGee, Edythe Alpert, Harold Kemble Jr., Patricia Hopson, Cynthia Flamer, John L. Martin, Monroe T. Hall, Jean C. Williams, Shelton A. Allen, William T. McCoy, Theresa Ridgeway, Alan W. Brownsword, Patricia B. Young, Charles R. Foster, Oliver Moles Jr., Arthur Alterman, Thomas E. Felt, Carolyn Looman, Larry Hannah, Salvatore

Footnote at end of statement.

J. Natoli, Linda G. Archer, Arthur D. Sheekey, Richard L. Light, Catherine Gangler, Virginia Cassel, Helen L. O'Leary, A. Bruce Gaarder, James M. Spillane, Alfreda M. Libermann, Kay F. Henry, Mary Jane Smalley, Judith Weinberg, Ruthe J. Farmer, Frieda Denenmark, Heather H. Gerson, Susan Rabinowitz, Joan Fenton, *——— ———, Joseph Eric Luwisch, John J. Coates, John A. Wilde, Nathaniel Izlar, Frederick Millhiser, Miss Lupe Anguiano, Diane G. Eyer, John B. Saunders, Allan Tosti.

Laura J. Huber, Judith Anne Stevens, Carolyn Shimkus, W. Stanley Kreiger, Sharon L. House, Virginia P. Reno, Julius W. Hobson, Linda K. Lenfest, Ruth B. Falk, Harvey A. Taschman, Robert Pererseu, Robert Liberman, M.D., Pearl Shalit, Robert Jay Reichler, M.D., S. Eugene Long, M.D., Mather Dumont, M.D., Stephen S. Baratz, Henry P. Cain II, Peter R. Breggin, M.D., Allen Zaretzky, Carolyn Greenberg, John R. Anders, Susan Martin, Barbara Bernstein, Richard P. Wakefield, Jacob H. de Raat, Ann Gaullaud, Shirley Rosenhaft, Evelyn Glatt, Edward J. Flynn, Frances Prager, Elizabeth A. White, Carol Trueblood, Carol M. Kim, Edward Bolton, John W. Barbee, Kay Plitt, Marvin D. Anderson, Charles H. Slayman Jr., Alan Stone, Morton Needleman, Richard B. Lavine, H. Friedman, Sidney A. Steinitz, Arthur R. Woods Sr., Elizabeth O'Connell, Lina B. Dargan, Steve Allen, Lindsay C. Coles, Andrew Oerke, Nora Patricia Rowley, Linda S. Foster, Nancy Pettis, Helen F. Reid, Carol C. Bell, Linda Millette, Mr. and Mrs. J. Patrick Kelley.

Carolyn Jan Boggs, Brian R. Johnson, Susan Pogash, Nathan Gross, Jill Wax, Richard M. Williams, Robert G. Greenway, Norma L. Harrison, Suzanne Clarke, Jane M. Coe, Roberta Lovinggood, Eloise Williams, *——— ———, Louise James Alrutz, Donald J. Cosentino, Rebecca R. Mark, Charles Coskran, Traer Sunley, Michael F. Beaudoin, Betsy L. McGregor, Roger A. Riske, Peggy Hannah, Stephen M. Aronin, R. Terry Sack, Patricia B. Armijo, Cordia Booth, Michael L. Frey, Joseph A. Kelly, James T. Byrne, Merritt P. Broady, R. Michael Haveland, Louise Mullikin, Audrey Edwards, Robert Pearson, Gary Ulrich, Joseph A. Ryan, Mary H. Wilkins, Daniel J. Buck, Patricia M. Walsh, Peter Walsh, Linda K. Ecker, Lucinda Pratt, Sharon Burr, Robert F. Dugan, Allen Hoffard, Robert S. Crites, Naomi F. Stauffer, Robert H. Ross, *——— ———, John R. Mueller, Robert L. Davis, Eileen Davis.

John F. Unger, Henry C. Brinton, James S. Burcham, Peter J. Silverman, A. W. Riggs, Arthur G. Broughton, Irving R. Schmeider, P. R. Marsh, Robert A. Pickett, Leon B. Katchen, Alan E. Hedin, James A. Findlay, Sue Jackson, Andrew W. Conaway Jr., Ernest Hilservath, John E. Ainsworth Jr., Robert C. Curry, E. B. Phillips, Joy Furry, Richard Martin, Herman Wilson, Dawn Gale, Sharon L. Malerstein, James Scanlan, Judith C. Nusbaum, Vito A. Stagliano, Fay H. Stover, Inabel B. Lindsay, R. C. Czapiewski, Ron Ludin, Lawrence F. Parachini, Robert Otto Bothwell, Eugene F. Toton, Doug MacMillan, Leslie D. Brown, Shiela K. Delaney, R. Ross Hall, George T. Farnsworth Jr., Arthur C. Rosen, Catherine S. Chilman, Carolyn Cole, David W. Crosland III, Mary D'Esapo, Alexander C. Ross, David A. Steiner, Kermit Lipez, Robert Pressman, Michael Lightfoot, Frank E. Schweib, Francis M. Kennedy Jr., Elihu Hurwitz, Patrick A. King, Walter W. Barnett, Mary Jane Casey, David S. Schwartz, Jack L. Weiss, William W. Lindsay, Marilynne P. Hughs, Robert A. Jablon, J. J. Murray, P. R. Glott, Jack Wilson, Ilene S. Rosenblatt.

Fred Webber, Mike Barry, Donald Perry Jr., Robert G. Bidwell Jr., Kerry R. St. Clair, Barbara Hines, Alice Susan Bidwell, Thomas L. Freytag, Robert E. Glass, Gerald W. Rock, Iris Sherman, Donald Berman, John V. Zottoli, Jack Martinelli, Denny Frank, Joan Nichols, Stan Bunn, William B. Grossman, Marilyn Wagner, Donald R. Hall, Herbert G. Stein, Patricia G. Lyons, Linda Heller, K. H. Sauerbrunn, Rosalind Abes, C. Neal McKinney, F. Becker Jr., Elaine M. Baker, Charles Goodman, Lawrence Goldberger, James P. Armstrong, Robert J. Dowling, Harold W. Warren, Edward M. Gaddy, Lowell Owens, Richard G. Gilbert, Cynthia R. Nathan, Ruth G. Parker, Paul DeMarinis, Michael K. Nicholsen, Daniel M. Rappaport, Nancy K. Murray, Ruth E. Maitland, Kenneth Flieger, Linda W. Gruber, Teresa M. Schwartz, Joseph P. Corbett, Donald A. Tranger, Leon D. Platky, Ross A. Biatek, Richard H. Landis, Walter Martin, Albert B. Lauderbaugh, Marshall W. Roffel, Francis C. Beck.

Morton A. Lebow, Kenneth N. Valdes, Fred M. Bindman, Celia Sorenson, Virginia Cunningham, Fred D. Judd, *——— ———, Alvin Hirshen, Thomas W. Top, Leigh H. Taylor, Jeffrey L. Smith, John C. Hinnman, Jane Todow, M.D., Emery J. Biro, David B. Brooks, Duggan E. Flanakin, Barbara Lloyd, Arthur L. Franks, Carol Ann Powers, Kenneth Schlossberg, William E. Farrell, Richard K. Parsons, Stephen C. Clapp, James E. McCarthy, Nina W. Marshall, Anna B. Jarvis, Richard M. Arnold Jr., Dina M. Erlemann, Charles J. Wright, Albert L. Rogers, Michael C. Peterson, Frank A. Pietropori, Leonard H. Scott, Stephen Browin, M.D., Judith Meyer, Charles Scher, M.D., Philip Caper, M.D., Joel Habener, M.D., Theodore R. Breitman, Lewis Lansberg, M.D., Ira B. Black, M.D., Olive Childers, William H. Hinson, Roberta J. Hanver, Robert V. Fodor, John W. Hedland, Vernice J. Hendon, Oteta L. Crain, Emilie G. Heller, Frank Dunbaugh, John Rosengerg, Michael Flicken, Nancy Jean Beeghly, Jon Gold, Peter J. Smith.

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*———— ———— represent names of people who were prohibited by their agencies from publicizing their names.

A Girl and the Job Corps

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mrs. GRIFFITHS. Mr. Speaker, at this time, I insert in the RECORD a wonderful letter I received from Marianne Moran, a constituent of mine, who is at the Job Corps Center for Women in Omaha, Nebr. Not too long ago, this young girl came to my office asking for help and training for a job. This same girl, after 14 months in the Job Corps, is now talking about helping herself and being able to help her father at home. Her letter is filled with hope and real concern for the continuance of the Job Corps program in the future for other young men and women. We hear too little about the successes of the Job Corps. Certainly, part of its success can be told in the new dreams of young people like Marianne:

OMAHA, NEBR.,
March 28, 1968.

DEAR MRS. GRIFFITH: It has been a very long time since I have written to you. So now I would like to take time out, and tell you how I am doing in Job Corps.

This month makes 14 months for me here, and have one more month to go. I'm leaving Omaha anytime after the 15th of April, to the YWCA in Colorado, to do my O.J.T., for about six months or so. The city is Denver.

If any girl in Detroit wants to join Job Corps, but is not sure of the place, please tell them for me, that at first it is hard, and you do get homesick, and the work sometimes gets a little hard, but when you're finally done, you will be awarded with some wonderful gifts.

Like first, you will have many friends. Not only the girls, but the staff as well. All the staff loves working with us, and will help any way they can. No wonder what it is. Homework, or home problems.

Your R.A. gives you clothes every season of the year. You get paid every two weeks, which is pretty good, because we get paid for going to classes and doing what we can in J.C.

We get good food. Like at home, we never had meat three times a day. We were lucky to have it once a week. They also send money home to your parents, if they need it. Which my Father does need, and am glad to help him out. Before I went to Job Corps, I could not help him out at all, and now it makes me feel like a different person now that I can.

We do get to go home twice a year, and stay each time for 2½ weeks.

Our rooms are nice, which we keep clean ourselves and you also have a roommate, but she is good to have, when you want someone to talk to.

I hope many girls join Job Corps, and that the Government does not want to get rid of any of the Job Corps because unless you live here, and really join in, you just don't know how it can help each girl. I know there are some girls who do get into bad trouble and make it bad for the rest of us, but there will always be people like that, wherever you go.

So whatever you do, please let there be the Job Corps for both girls and boys. Because we all want to make something of ourselves.

Thank you for reading this letter, and for taking time out. I hope some day I can meet you, and thank you to your face, for getting me into Job Corps.

From your friend,

MARIANNE MORAN.

South African Terrorists: Guilty or Not Guilty?

HON. JOHN R. RARICK
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. RARICK, Mr. Speaker, the Christian News, in its April 1 edition carried a report by Dr. J. D. Vorster, brother of the South African Prime Minister, in answer to the many wild and extreme charges levied by the uninformed international community against the Christian leaders of Africa—those who are silent on the anti-God tyranny of Communists.

I think many of our colleagues will find this informative service from a Christian publication of interest and include it following my comments:

TERRORISTS: GUILTY OR NOT GUILTY?

(By Dr. J. D. Vorster, Actuary of the Nederduitse Gereformeerde Kerk, brother of the Prime Minister, the Republic of South Africa)

"The recent sentencing of 30 Ovambo tribesmen by a South African court in Pretoria, has cast into bold relieve a social and political system which has agonized the worlds' religious community for decades." This statement of the Religious News Services is completely without perspective or knowledge of the fierce struggle between the forces of Communism and Christianity in the world today. The fact is these people were not arrested or sentenced because they opposed South Africa's social and political system. They were arrested because they entered S.W.A. as trained terrorists trained by Communists and armed with weapons from Russia and China with the sole object to plunder and murder, and to start the revolution which ultimately would end in a communist take over. A brief recital of the facts will prove this.

It is a well-known fact that the Communists are out to add South Africa, which produces 73% of the Free World's gold and possesses untold millions in diamonds and precious stones and metals, to the empire they have built up through treachery and force. With this end in view Communists have, with the backing of leftist forces and apostate churches in the free world, tried to create chaos and revolution in South Africa. By the grace of God and through the determination of a truly Christian nation we were spared the fate of the Congo or Budapest.

Since the Communists have failed to create chaos and civil war inside South Africa, they have concentrated all their resources and their whole apparatus to break South Africa from abroad. Their attack has shifted from the National to the International sphere and concentrated mainly on S.W.A. and the United Nations. And with our backs against the wall we are facing this onslaught.

S.W.A. was chosen for the simple reason that S.W.A., being a mandated territory could be filched from S.A. with some semblance that it is not aggression. But make no mistake, one of the most scandalous acts of aggression is prepared in the name of peace and freedom and the Communists are behind it. Let me prove this by referring to: the activities in S.W.A., the African States and the United Nations.

Two organizations were formed in S.W.A. to lead the battle against S.A.: South West African People's Organization (S.W.A.P.O.) and the South West African National Union (S.W.A.N.U.).

Now according to Toiva Hermann Ja-Toivo, one of the founders of S.W.A.P.O. and a leader in Ovamboland, S.W.A.P.O. is a Communist Organization founded in Cape Town in 1957–1958 by himself as Communist and others with the help and advice of leading Communists as Prof. Jack Symons Bunting, Carneson, Turok, Sacks and others. In its constitution it makes provision for "Co-operation to fullest extent with all national liberatory movements in Africa and all progressive forces throughout the world." The phraseology identifies the progressive forces. Furthermore in 1963 Solomon Mifima, S.W.A.P.O. representative in Kairo, Algeria, etc. visited Peking and there attacked the United Nations as a debating club and an instrument of U.S.A. Imperialism. In 1964 the secretary-general of S.W.A.P.O., Jacob Kuhangua, was delegated to attend the 26th Anniversary of the Cuban Independence in Havana and he returned with the promise of unlimited militraining facilities from Fidel Castro. Again in 1966 four members of S.W.A.P.O. attended the Tri-Continental Conference in Cuba. Since 1960 Sam Njuoma, President of S.W.A.P.O. visited Moscow, Peking and other Iron Curtain countries. Furthermore, S.W.A.P.O. saboteurs, who were caught in S.W.A. had pistols, machine guns and handgrenades of Russian and Chinese make on them.

The record of S.W.A.N.U. is even worse. The President Kozonguize admitted that he is a communist. In 1960 he visited Peking and there attacked the Western Nations. He also visited Moscow. During 1961–1962 S.W.A.N.U. representatives Veii and Moses Katjivongua received training as journalists in East Germany and attended the Communist International Journalist Organization in Tseggoslowakya. In 1963 they attended the "Chinese Committee for Afro-Asian Solidarity" and the Chinese African Peoples Friendship Association in Peking and had discussions with Mao Tse Tung. In 1963 the leader of S.W.A.N.U. visited Peking and returned with promises of help in the form of money, supplies and military training. And when China exploded her first atomic bomb the representative of S.W.A.N.U. in Cairo congratulated China on the 11th of May, 1966 in the following words: "It is a great contribution to the fight of all freedom fighters against imperialism and world peace. The successful explosion encourages us in our fight against imperialism. It deals a telling blow at United States imperialism and its collaborators who are trying to maintain their nuclear monopoly. We feel that since U.S. imperialism is using nuclear blackmail against the world's people, the Chinese people are justified to develop nuclear weapons to defend the security of China, the liberation movements and world peace. At a time when U.S. imperialism is using its counter revolutionary dual tactics of advocating the prevention of nuclear weapons since the tripartite nuclear treaty, it is a revolutionary act for Chinese people to develop nuclear weapons."

One must admit that is as bad a Communist record as any, and yet the picture is even redder than that. You remember that Michael Scott, the self-nominated champion of S.W.A. according to his auto-biography not only "acted as a Communist agent, remitting reports and transmitting funds," but was a card carrying communist who "kept in touch with the underground" when he was a Minister of the Gospel in Calcutta. Since 1960 between 900–1000 non-whites left S.W.A. illegally under the pretext of further study although most of them only had an elementary education. Of these just over a hundred really enrolled at some college, 27 in U.S.A., 28 in Zambia, 8 in East Germany, 5 in Russia, etc. We do know however that between 250–300 after completing military courses in Russia, China, Egypt, Ethiopia, Ghana and Algeria, have returned to Tanzania where they are waiting in transit camps to go to S.W.A. Forty-four have already entered S.W.A. where most of them were arrested. The balance of the more than 900 are still receiving training as terrorists in the above mentioned countries except Ghana, where after the fall of Nkrumah the training camp was closed. According to sworn affidavits obtained from these arrested terrorists they had instructions to murder all police officers, and leading business-men, burn down all police stations, power stations and big business houses, attack out-lying farmhouses, destroy bridges, radio stations, etc. These directions had to be carried out under the over all supervision of the Commander in Chief.

South Africa who has successfully thwarted the Communist plans in the country expected the next assault from outside. The Government was fully aware of the plans of the communist conspiracy and the forces they are mobilizing against South Africa. We knew exactly where they trained their shock troops, what route they will follow and where they will strike. These terrorists were therefore met and dealt with before they could create chaos. Those who were not killed in pitched battle were arrested.

Those who were arrested were brought to trial. They were not liquidated as the Communists usually do, but they were given a fair trial in an open court and tried by a Judge who is completely independent and not merely a mouth piece of the Government.

At this trial indisputable evidence was produced that the accused were trained in Communist training centres, armed with modern weapons from Russia and Red China and were under orders to murder and plunder, to create chaos and revolution. In one of their camps even a copy of Mao's military writings was found. From documents found on them there was not the slightest doubt that they acted under command and that the communist conspirators were the prime movers in this scheme to attack South Africa from the outside.

Before passing sentence the judge summed up the evidence in the following words: "In my view it has been proved that the accused, because of the level of their civilization became the misguided dupes of Communist indoctrination. Had it not been for the active financial and practical assistance which the accused received from the Governments of Moscow, Peking and other countries, they would never have found themselves in their present predicament. I also think that had it not been for the loud-mouthed moral support and incitement by representatives of foreign countries and the persons who published S.W.A.P.O. news letters, who have absolutely no respect for the truth, the accused would never have embarked on their futile and ill-conceived exploits." In conclusion he said: "Our finding is that the State has succeeded in proving beyond any doubt that the S.W.A.P.O. movement resoled to the planning of a violent uprising in the territory of SWA with the object of overthrowing the authority of the Republic in that territory, and in furthering this aim resorted to persons being trained in communist political thinking and in the art of violent terrorism."

The facts are there for every truth loving person to evaluate. We know that we are not fighting back nationalism but red communism. We also pray that the eyes of the free world should be opened to see before it is too late how diabolical Communism is after our heritage. We beg the Western powers not to allow communism to achieve the easy victory it has won in Europe, China and Cuba. And may I suggest that all, who are condemning S.A. and Rhodesia for punishing criminals interest themselves in the terrible fate of the thousands who are suffering in Communist concentration camps and dungeons.

SOUTH AFRICA AND LUTHERAN TERRORISTS

While officials of the World Council of Churches and the Lutheran World Federation remain silent about the mass murders committed by the Communists, they con-

tinue to condemn the governments of South Africa, Rhodesia, and more recently Greece.

Last November the Lutheran Council in the U.S.A. reported that the Lutheran World Federation had allocated $7,500 to aid the defense of 36 Ovambo tribesmen in South-West Africa who had been charged with treason by the Republic of South Africa. Later other liberal religious bodies came to the support of these tribesmen. LCUSA reported that they had been charged with murder, armed robbery, arson, possession of firearms, firing on the police and violently resisting arrest. Most of the tribesmen claimed to be Lutheran.

Several weeks ago these Lutheran laymen were sentenced to terms ranging from five years to life. Officials of the LWF and WCC called the sentences a "flagrant violation of human rights." (See story on p. 1). The UN General Assembly passed, by a vote of 110 to 2, a resolution terming the trial of the South-West Africans a "flagrant violation of their rights."

Since it appeared to us that some of the news releases we received concerning the trial of the Ovambo tribesmen did not present the entire story, we asked Rev. J. D. Vorster, Th. D., of Cape Town, South Africa to comment on the trial. Dr. Vorster is the brother of Prime Minister B. J. Vorster. He is a pominent official in the Nederduitse Gereformeerde Kerk in Suid-Africa, the largest church body in that country. We have spoken with Dr Vorster and can testify that he is a conservative Reformed theologian who accepts the inspiration of Holy Scripture and rejects the destructive theories of Biblical criticism. We were surprised to discover that he was familiar with our book Baal or God.

Together with Dr. Vorster's article we are publishing two letters which appeared late last month in the Toowoomba Chronicle of Toowoomba, Queensland, Australia. Gough Whitlam, a signer of one of the letters, is the leader of the Australian Labour Party. Rev. Kurt Marquart, the author of the letter pointing out the inconsistency of the liberal clergymen who are constantly condemning South Africa, is one of our contributors. Pastor Marquart was in South Africa a few months ago.

Liberal clergymen should listen to what Dr. Alfred Rehwinkel, a former professor at Concordia Seminary, said about South Africa after he returned from a trip to Africa. The prominent author stated: "South Africa is progressive, prosperous, and fabulously rich in natural resources and in many respects is very much like our own country. I was impressed by the efficiency, vision, courage, and honesty of the government. They think on a big scale. I got the impression that the leaders are sincere Christians and God-fearing men.

"These friendly and honest people are a sturdy race, a mixture of the descendants of the early Dutch, Germans, and British settlers. They reminded me of our own people a generation ago. Nowhere have I ever found such warmhearted hospitality as here.

"I have traveled widely in all parts of South Africa, meeting many people from all stations of life. I have had unusual opportunity to study the race problem in this country and the apartheid policy which has received so much unfavorable publicity.

"I will have a great deal to say on this subject when I return home. And I feel that our church should have a closer relation with our Lutheran brethren of this great country" (Lutheran Witness Reporter, November 14, 1965).

Dr. Rehwinkel was one of the first leaders in the Lutheran Church who worked for equal rights for Negroes. He was one of the founders of the Lutheran Human Relations Association. Dr. Rehwinkel should not be accused of racism when he defends South Africa. Those who are familar with the facts recognize that liberal clergymen have not been telling the truth about South Africa.

The fact that the Lutheran World Federation and the World Council of Churches supported terrorists trained by Communists is just one more reason why Christians should sever all ties from these organizations.

SOME POINTED QUESTIONS ABOUT HUMAN RIGHTS

SIR: Yesterday's appeal, in your "Letters" column, on behalf of the South Africa Defence and Aid Fund, raises a number of questions. Perhaps one of the fund's supporters would care to answer them.

If March 21 has been set by the United Nations as the "International Day for the Elimination of Racial Discrimination," what day, if any has been set by that body as the "International Day for the Elimination of Communist Tyranny?"

If no such day exists, must we not conclude that in the view of the U.N., little South Africa is a greater threat to "human rights" than the Communist slave empire? By its singling out of South Africa and its silence about Communism, is not the U.N. implying perfect harmony between its "Human Rights Year" and Communism?

BLOODBATH

Whatever may be the truth about the 1960 Sharpeville "massacre," in which 69 persons died, is it not really quite cynical to treat this, in effect, as worse than, say, the bloody suppression of the Hungarian people by Soviet troops only four years earlier? Hundreds of thousands perished there!

If the U.N. is really concerned about "human rights," why has it not to this day dared to receive and consider its own committee's report on the Hungarian bloodbath? And what about the millions of people actually slain under Communism?

If we must fuss about the claim that in South Africa, "non-whites are denied elementary political, social, and economic rights," do we not have a corresponding duty to point out that under Communism not only non-whites, but absolutely everybody except the party bosses is denied these rights, and much more brutally? Or what does the right to vote mean when only one party is allowed?

(Incidentally, while in Johannesburg last year, I was shown, not by a government agent, but by a churchman, the homes of a number of native millionaires in a native township. These successes were possible largely because the tougher white competition was kept out by law. That is the other side of "apartheid"!)

Furthermore, why ignore the known fact that in civilized countries like South Africa and Rhodesia, the native populations enjoy a far higher standard of living than in the native-misruled countries, and that Africans are in fact fleeing to the Rhodesian and South African "police-states" from elsewhere, in search of a better way of life?

HATRED, MURDER

Where in Africa, outside of Rhodesia and South Africa, is there any semblance of real parliamentary democracy? What are Togo, Ghana, Nigeria, Congo, Zambia, Tanzania, and the other victims of "one-man-one-vote-once," but wretched police-states? And are not the widespread tribal hatreds and massacres far worse than mere "discrimination"?

Finally, is it not true that the South Africa Defence and Aid Fund has assisted such "victims of apartheid" as Communist-linked terrorists convicted of attempting to overthrow the government by force?

In short, while as Christians we accept all Christians as brothers and all men as neighbours, many of us are sick and tired of the hypocrisy of straining out South African gnats, while swallowing the camels of Communist and African tribal atrocities.

Magnifying little injustices while in effect minimising big ones, is itself unjust. And the frequent injections of unctuous moralisings and "Christian" rhetoric make it all the worse.

THE REVEREND K. MARQUART,
Toowoomba.

Baltimore's Downtown Urban Renewal: A Reality, Not Just a Dream

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. FRIEDEL. Mr. Speaker, inasmuch as all the Members of Congress are vitally interested in urban renewal, I should like to invite the attention of my colleagues to the success attained in Baltimore—the largest city south of the Mason and Dixon's line.

Baltimore—the old and gracious city, world famous for its great port and eternally enshrined in the history of our Nation, was 10 years ago overrun by deterioration at its very center in the downtown area.

A dedicated and civic-minded group of Baltimoreans were determined to change and renew the heart of their city with new life, new achievement, and new beauty. This dream became a reality which can serve as a model for other cities to emulate. Mr. Jay Jefferson Miller was the first president of the committee for downtown and he played a leading role in furthering the creation and acceptance of the master plan for downtown Baltimore.

In an article which appeared in the Evening Sun of Baltimore on March 27, 1968, Mr. Miller retells the true story of the achievements of new horizons for one of America's major cities. It is because of the interest of the Congress for the people of our land who inhabit our great cities that I insert this article in the pages of the CONGRESSIONAL RECORD as evidence of what can and was done.

The article follows:

IT WASN'T JUST A DREAM

(By Jay Jefferson Miller)

At 9 o'clock in the morning of March 27, 1958, a small group of business men, city officials and city planners filed in the City Hall office of Mayor Thomas D'Alesandro, Jr. They weren't gamblers. They were men frightened by what was happening to their city, and they came to tell the Mayor the bold, even dramatic, plan they had conceived to save it.

Things looked ominous. Retail sales had started to decline in 1949. The assessed value of the very core of Baltimore's central business district had dropped each year during the 1950's. Large retail outlets in the suburbs were curtailing sales in the central city. Manufacturing and wholesaling facilities were moving away from obsolescence and traffic congestion. The metamorphosis was not rapid at first, but by 1957 the shift from office buildings, centers of cultural activities and even downtown residential areas was gathering speed.

The business men and planners came to the conclusion that there wasn't time for master-planning. The patient, in the form

of the central business district, could die on the operating table before the operation was well under way. In what proved a key decision, those responsible for the master plan study put aside long-range planning. They turned their efforts instead to producing a plan for a single project—something that could be done now with the tools at hand. The group which filed into Mayor D'Alesandro's office ten years ago today brought the design of such a project. Charles Center, as we now know it, it was unveiled that morning.

The unveiling generated enthusiasm in the press, in the business community and in the Mayor's official family. Naturally some citizens felt it was a beautiful plan that would never see the light of day. There were doubters, but they were in the minority. The Mayor's first official act was to turn the Charles Center concept over to the Baltimore Urban Renewal and Housing Agency for a feasibility study. At the same time, he requested other city department heads to study the plan and report back to him with their findings.

The studies proved positive. That October Mr. D'Alesandro requested Governor McKeldin to call a special session of the Maryland Legislature to authorize a bond issue to implement the plan, which could then be presented to the voters in November for approval. It was a hurry-up call, but the Legislature approved. So did the voters, and the first major objective was accomplished.

On June 1, 1959, the Charles Center Project office was officially opened, and the machinery was set up for the acquisition, relocation, disposition and architectural review processes. Another element entered the Charles Center program in 1959. The Federal Housing Act was amended to allow Federal funds to become available for carrying out nonresidential renewal. City officials were happy to have Federal participation under two conditions: first, that the architectural concept of Charles Center would not be interfered with; second, that there would not be any serious delay in carrying out these plans.

Happily, the Federal housing administrator agreed to both conditions with the result that Federal funds will account for approximately $22,000,000 of Charles Center's public costs, and the city will expend about $10,000,000. The tax return to Baltimore when Charles Center is completed will exceed the former income from the area by about $2,000,000 a year—and this does not include tax returns from the handsome structures that have appeared on the perimeter of Charles Center.

One decade in the almost 250 years of Baltimore history does not seem a very long time. But consider the impact of those ten years on the financial and architectural history of the city.

Proof of the almost immediate success of Charles Center is furnished by the sudden improvement of the areas surrounding it, also by the new drive by the same business men who walked into the Mayor's office ten years ago to bring forth still a larger plan, that for the Inner Harbor. Altogether in Charles Center, two apartment towers, six office buildings, a theater, a new hotel, and three parks with ample public parking under them have now been completed or are in the process of being completed. Three more areas which will be devoted to office buildings are being sought by interested developers; construction could be started on two of these late in 1968 or early in 1969. The possibility looks favorable for the Statler Hilton to begin its second tower in 1969.

After-dark activity is being restored to Baltimore's downtown. When Charles Center's new lighting system is fully completed, Baltimore will be able to boast what may not be the biggest center city in the land, but what surely will rank as the most attractive.

Naval Supply Depot Marks Quarter of a Century

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. EILBERG. Mr. Speaker, 25 years ago, when I was a young naval officer, I shared with my fellow officers the chagrin and annoyance of the multiplicate paperwork which is part of the naval—and military—way of life.

It was not until years later when I realized where all this paper was coming from—the Naval Supply Depot, which is located within my own congressional district. I also came to realize that the depot shipped not only forms, but the vital supplies which made our naval forces successful and victorious.

The Naval Supply Depot is now marking its 25th anniversary of service to the Nation and its naval forces, having grown in scope, stature, and efficiency. Today, it is one of our outstanding establishments. Today, under the command of Capt. E. F. Anderson, Jr., it is carrying on an enviable record.

On this occasion, I would like to pay tribute to Captain Anderson, his predecessors, the naval personnel and the civilian force who served in the past quarter century and who are serving today.

The depot was commissioned on July 17, 1943, as the Naval Aviation Supply Depot, and throughout World War II and the Korean conflict served with honor, efficiency, and effectiveness, receiving, storing, and shipping aeronautical material to all parts of the world. Its record included 99 percent of all required items delivered on schedule.

The depot evolved through the years from a Naval Aviation Supply Depot to its present multipurpose activity. The impact of the depot through its five major functions is felt in many ways, in all parts of the world by many people and organizations.

As inventory manager of Navy forms and publications, the depot manages 198,300 items—172,300 publications; 11,000 blank forms—in supplying the Navy Establishment throughout the world.

During fiscal year 1968, $11 million of naval stock funds were expended for procurement of forms stock and an outstanding 95.9-percent effectiveness rating was maintained in the processing of an average of 200,000 demand requests per month throughout the supply system.

As Department of Defense Center for Department of Defense Specifications and Standards, the depot supplies the entire Department of Defense and industrial community with specifications and standards necessary to their computations of "bids" on Department of Defense contracts. A 98.5-percent effectiveness rating is currently being maintained in the processing of 2,500 customer requests for 13,000 line items per day. Sixty thousand stock items are managed and cataloged with an average of 75 new items received per day.

As initial distribution center, the depot maintains 5,400 mailing address lists from which 4,000 distributions are made each month to 1,010,000 addresses. Material distributed includes periodicals—Naval Reservists, JAG Journal, Newsletter, Defense Industry Bulletin, et cetera—specifications and standards, Navy publications and naval recruiting aids.

As stock point, the depot receives, stores and issues Navy publications, 164,457 items; medals and awards, 51 items; Department of Defense instructions, 1,600 items; laminated placards, 879 items; specifications and standards, 60,000 items. Line items issued average 538,680 per month with a 95.5-percent effectiveness rating.

As property/facilities manager of the depot complex consisting of 61 buildings spread over 136 acres, it provides maintenance, facilities, and support services to six tenant activities—Naval Aviation Supply Office; Defense Industrial Supply Center; Naval Air Technical Services Facility; Navy Publications and Printing Service Office; Navy Regional Finance Center and Naval Oceanographic Distribution Office—and their combined personnel staffs totaling 6,700 civilians and 170 military.

Major buildings include six office buildings, two cafeterias, 16 married officer's quarters, public works building, powerhouse, transportation building, and six warehouses.

The warehouses range in size from 115 feet by 600 feet to 225 feet by 1,000 feet. Land, buildings, and equipment have a current replacement value of over $80 million.

Approximately 50 percent of the Depot's resources are devoted to support services provided for the tenant activities. These services include:

Communications Division: NTX Branch, 85,000 messages per month. PBX Branch, 3,000 telephones in operation; $86,000 monthly telephone costs.

Consolidated Industrial Relations Department: Employment Division, 864 personnel actions per month. Wage and Classification Division, 2,180 new positions/amendments fiscal year 1967, 6,737 positions reviewed fiscal year 1967; Training Division, 143,500 manhours of training fiscal year 1967; Employee Services Division, 3,255 suggestions/awards processed fiscal year 1967.

Public works: $2,433,000 expended annually to maintain depot facilities.

Fiscal: $3,700,000 average monthly payroll.

Medical Department: 1,000 average monthly outpatient visits.

Military personnel: 1,000 average monthly travel orders prepared.

Administrative purchases: 500 average monthly.

Administrative mail handled: 170,000 pieces average monthly.

Aggressive management and the foresight to implement continually modern processing methods/equipments has enabled the depot to stay abreast of an ever increasing workload without a compensating increase in personnel.

As an example, in 1959, the depot maintained less than 100 distribution mailing lists on addressograph equipment; currently over 5,400 lists are maintained on computer tape.

A conveyor system was installed which speeded up deliveries to its customers.

The conveyor system moves the customer requests automatically to the bin location of the requested material; warehousemen fill the orders and the material is then conveyed to the packers and then to a branch of the U.S. Post Office located in the same building.

To provide maximum responsiveness to private industry requirements, new and revised releases of specifications and standards are available to industry on a subscription basis with automatic mailing upon payment of small fees. Also individual requests are accepted in any media—telephone, telegraph, mail, or bearer.

This service also includes a recording device that accepts telephone orders after working hours 7 days a week. To insure the utmost in service and guidance to private industry, an inquiry/complaint desk has been established to resolve problems regarding the specifications and standards program.

With innovations such as these, the depot has been able to maintain a high level of efficiency and responsiveness in meeting the requests of those it serves.

The Naval Supply Depot employs approximately 1,025 civilian and 18 military personnel, with an annual payroll in excess of $7,400,000.

The men and women of the depot are an integral part of community life, having homes in all parts of Philadelphia and outlying areas.

The stability of Naval Supply Depot personnel is indicated by the large number of employees who have long periods of faithful Government service. Naval Supply Depot personnel are vitally interested in and support the many civic projects originated in their respective communities.

You will find them active in charity drives, blood donor programs, scouting, and veterans activities as well as educational and religious organizations.

For 23 years, the depot has hosted a Christmas party for more than 7,000 underprivileged children from the Philadelphia community.

An outstanding record in the U.S. savings bond program has earned the right to fly the Minute-Man flag at the depot for 10 consecutive years.

The executive program for the employment of the underprivileged youth of Philadelphia has been supported wholeheartedly by the depot; last year—1967—more than 300 such young adults were trained and employed by the depot.

Working together and pulling together constitute the prime reasons why the folks at NSD are doing the best job possible in serving the Navy and their Nation in an important area of defense.

The Private Sector: A Partner in Job Training

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. MOORHEAD. Mr. Speaker, a recent article in the New York Times highlights the formation of a national advisory council to the Opportunities Industrialization Center. This is a blue-ribbon group of the Nation's business leaders who have joined in the national effort to train the hard-core unemployed for productive work.

Based on the concept of self-help, the OIC's were begun in 1964 by the Reverend Leon Sullivan in Philadelphia, Pa. I am proud that Pittsburgh's OIC program—designed not only to give job skills but also hope, confidence, and a new way of looking at life—is in its second year.

I include at this point in the RECORD the Times article, which I commend to the attention of my colleagues:

BUSINESS LEADERS HELP JOB CENTER—GROUP IS FORMED TO ADVISE PHILADELPHIA PROGRAM

PHILADELPHIA, March 30.—A group of business and industrial leaders have joined the Rev. Leon Sullivan in his nationwide campaign to train hard-core unemployed for productive jobs.

The leaders, who came here from all over the country, organized themselves Thursday into a national advisory council to the Opportunities Industrialization Center, which Mr. Sullivan, a Negro, founded here in 1964. Gerald Phillippe, board chairman of the General Electric Company of New York, was named chairman of the council.

Mr. Sullivan founded the center in an abandoned police station at 19th and Oxford Streets, in the heart of the North Philadelphia Negro slum. Almost single-handedly, he marshaled civic and governmental support for his project.

He obtained donations for money and machinery, set up shop and began a training program that in time grew to national prominence.

Nearly penniless when he started, Mr. Sullivan today has a $3.8-million-a-year budget for his undertaking. About 80 per cent of the money comes from the Government and the rest from private sources.

IDEA CAUGHT ON

The idea caught on in other parts of the nation. Today there are branches in 65 cities throughout the country. Their goal is to train 100,000 people in the next 16 months.

Thomas B. McCabe, chairman of the board of the Scott Paper Company, spearheaded the move to organize the advisory council. At the suggestion of Mr. Sullivan, he started making telephone calls several months ago to some of the nation's top business and industrial executives.

"I did not get a single refusal." Mr. McCabe said. "Many of these men had met Mr. Sullivan in their own cities—New York, Chicago, Minneapolis—and were impressed with him.

"They think he is doing something far more important and constructive than the Government. He teaches people skills and imparts a pride of citizenship and self-reliance, which no public institution can do."

The council members first met here with Mr. Sullivan at his headquarters on North Broad Street. Then he guided them through his training center on Oxford Street. He said it cost less than $1,000 to train one unskilled worker for a job, contrasted with $3,000 it costs the Federal Government for the same kind of training.

Mr. Sullivan reported that 80 per cent of the trainees remained in the project to finish their training.

MEMBERS OF COUNCIL

In addition to Mr. McCabe advisory council consists of the following members:

John Haas, executive vice president of Rohm & Haas, Philadelphia.

C. Paul Austin, president of the Coca Cola Company of Atlanta.

George Champion, chairman of the board of the Chase Manhattan Bank, New York City.

Walker Cisler, chairman of the board of the Detroit Edison Company.

John T. Dorrance, chairman of the board of the Campbell Soup Company, Camden, N.J.

Ben S. Gilmer, president of the American Telephone and Telegraph Company, New York.

Ralph Lazarus, chairman of the board of the Federated Stores of America, New York.

Henry Parks, board chairman of the Parks Sausage Company, Baltimore.

Charles McCormick, board chairman of McCormick & Company, Baltimore.

Robert F. Oelman, board chairman of the National Cash Register Company, Dayton, Ohio.

Frederick Potts, board chairman of the Philadelphia National Bank.

Gen. E. W. Rawlings, chairman of the board of General Mills, Inc., Minneapolis.

Charles A. Seigfried, president of the Metropolitan Life Insurance Company, New York.

Jay L. Taylor, chairman of the board of the Baker-Taylor Drilling Company, Amarillo, Tex.

Commission on Federal Budget Priorities and Expenditure Policy

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. CURTIS. Mr. Speaker, one of the recommendations made by the minority members of the Joint Economic Committee in the committee's recent annual report was to establish a Federal Commission on Expenditure Policy to begin the urgent task of making recommendations on budget priorities and restoring expenditure discipline to public spending.

Legislation to implement this proposal was introduced in the Senate in the form of an amendment to the excise tax bill. Unfortunately the amendment was narrowly defeated last Friday. The amendment was sponsored by Senator JAVITS and cosponsored by the other minority Senate members of the Joint Economic Committee—Senator MILLER, Senator JORDAN of Idaho, and Senator PERCY.

Today, on behalf of myself and Representatives WIDNALL, RUMSFELD, and BROCK, I introduce legislation identical to the Senate amendment to establish a Commission on Federal Budget Priorities and Expenditure Policy. Reform of the Federal budget involves more than cuts in any 1 year. Emergency budget reductions, although vitally necessary at this time, would not necessarily provide an optimum allocation of public expenditures. It is equally necessary to look beyond current budgetary problems to the future dimensions and shape of Federal spending.

Creation of a commission such as this bill would establish would help to achieve precisely these purposes. In 1963 and 1964, the minority members of the Joint Economic Committee made the same proposal, only to have it rejected at that time by the administration. We feel that today the need is greater than ever before, and we hope that all those who are

interested in budget reform and the establishment of budget priorities will support this bill.

Under the bill, a 16-member nonpartisan commission would be established that would be composed of private citizens from business, labor, education, or the professions, representatives of the executive branch, and Members of Congress equally from both parties. The Commission, assisted by a professional staff, would conduct studies and periodically make public its recommendation in the following areas:

First, establishing spending priorities among Federal programs, including the identification of those programs which need greatest immediate emphasis and those which can be deferred in a time of expected deficits, in order to serve as a guide to the administration in making expenditures and in drawing up future budgets; second, appraising Federal activities in order to identify those programs which tend to retard economic growth and for which expenditures should be reduced or eliminated; third, improving the Federal budgeting and appropriations process in order to increase the effective control of expenditures; fourth, examining the responsibilities and functions which are now assumed by the Federal Goverment, but which could be performed better and with superior effectiveness by the private economy; fifth, reviewing Federal responsibility and functions in order to determine which could be better performed at the State and local levels; and sixth, improving Government organization and procedures in order to increase efficiency and promote savings, including a review of the recommendations of the Hoover Commission in order to determine how well those already implemented have achieved their purposes in practice and whether those not yet implemented should be given further consideration.

The recommendations of an objective and nonpartisan Commission of the kind described should command widespread support among the public and within the Congress. Its proposals would offer a sound basis upon which to begin the reform of Federal expenditure policy.

Under unanimous consent I include a copy of the bill in the RECORD at this point:

H.R. 16459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Establishment of a Commission on Federal Budget Priorities and Expenditure Policy

(a) Recognizing the profound influence which the composition and level of Federal expenditures and their relationship to revenues have on the Nation's general welfare, domestic tranquility, economic growth and stability, it is hereby declared to be the intent of Congress to initiate a far-reaching objective and nonpartisan review of Federal budget priorities and expenditure policy. In the carrying out of such review, and in the formulation of recommendations with respect thereto, particular consideration shall be given to the following—

(1) establishing spending priorities among Federal programs, including the identification of those programs which need greatest immediate emphasis and those which can be deferred in a time of expected deficits, in order to serve as a guide to the administration in making expenditures and in drawing up future budgets;

(2) appraising Federal activities in order to identify those programs which tend to retard economic growth and for which expenditures should be reduced or eliminated;

(3) improving the Federal budgeting and appropriations process in order to increase the effective control of expenditures;

(4) examining the responsibilities and functions which are now assumed by the Federal Government, but which could be performed better and with superior effectiveness by the private economy;

(5) reviewing Federal responsibility and functions in order to determine which could be better performed at the State and local levels; and

(6) improving Government organization and procedures in order to increase efficiency and promote savings, including a review of the recommendations of the Hoover Commission in order to determine how well those already implemented have achieved their purposes in practice and whether those not yet implemented should be given further consideration.

Establishment of the Commission on Federal Expenditure Policy

(b) (A) In order to carry out the purposes set forth in the first section of this Act, there is hereby established a commission to be known as the Commission on Federal Budget Priorities and Expenditure Policy (referred to hereinafter as the "Commission.")

(B) The Commission shall be composed of sixteen members as follows:

(1) Four appointed by the President of the United States, two from the executive branch of the Government, including the Director of the Bureau of the Budget, and two from private life who have distinguished careers in labor, the professions, industry, local and State government, or higher education;

(2) Six members of the Senate appointed by the President of the Senate; and

(3) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

(C) Of each class of two members referred to in subsection (B), not more than one member shall be from any one political party.

(D) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(E) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code.

(F) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(G) Nine members of the Commission shall constitute a quorum.

Advisory Panel to the Commission

(c) The Commission may establish an Advisory Panel which shall consist of persons of exceptional competence and experience in appropriate fields, including social welfare, economics, and political science. Such Advisory Panel members shall be drawn equally from the Government, private industry, and nonprofit educational institutions, and shall be persons available to act as consultants for the Commission.

Staff of the Commission

(d) (A) The Commission may appoint and fix the compensation of such personnel as it deems advisable in accordance with the provisions of the civil service laws and the Classification Act of 1949.

(B) The Commission may procure without regard to the civil service laws and the classification laws, temporary and intermittent services (including those of members of the Advisory Panel) to the same extent as authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $75 per diem for individuals.

Duties of the Commission

(e) (A) The Commission shall make a comprehensive and impartial study and investigation of the programs and policies of the Federal Government with a view to carrying out the purposes set forth in the first section of this Act.

(B) During the course of its study and investigation the Commission may submit to the President and the Congress such reports as the Commission may consider advisable. The Commission shall submit to the President, and the Congress an interim report with respect to its findings, conclusions and recommendations pursuant to section (a) (1) no later than January 1, 1969, and a final report no later than January 1, 1970.

Powers of the Commission

(f) (A) (1) The Commissioner or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(B) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

Compensation of Commission Members

(g) (A) Members of the Commission who are Members of Congress or officers of the executive branch of the Federal Government shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary travel expenses (or, in the alternative, a per diem in lieu of subsistence and mileage not to exceed the rates prescribed in the Travel Expense Act of 1949, as amended), without regard to the Travel Expense Act of 1949, as amended (5 U.S.C. 835–842), the Standardized Government Travel Regulations, or section 10 of the Act of March 3, 1933 (5 U.S.C. 73b), and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(B) Members of the Commission, other than those to whom subsection (a) is applicable, shall receive compensation at the rate of $75 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission, as provided for in subsection (a) of this section.

Expenses of the Commission

(h) There are hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Expiration of the Commission

(i) The Commission shall cease to exist — days after the submission of its final report."

Hail Oshkosh Titans

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, all Oshkosh and Sixth District residents are extremely proud of the Wisconsin State University-Oshkosh basketball team.

That team captured the State university conference championship and went on to the NAIA tournament in Kansas City as an underdog among 32 teams. After defeating the No. 1 ranked team in the national tournament, Oshkosh returned home with third-place honors and a host of trophies. For the information of my colleagues and in salute to these fine athletes, I include as part of my remarks several newspaper articles, as follows:

[From the Oshkosh (Wis.) Daily Northwestern, Mar. 19]

ALL HAIL THE CHAMPIONS

Congratulations are in order for two outstandingly fine teams which demonstrated championship caliber basketball throughout the season and concluded with honors which won them wide acclaim.

The Titans of Wisconsin State University-Oshkosh didn't quite go all the way to the title in the National Association of Intercollegiate Athletics tournament at Kansas City, Mo., but they breezed to a third place finish by defeating Westminster of New Wilmington, Pa., which team had knocked out Oshkosh from further competition in the opening round of the meet a year ago.

The Shipbuilders of Lincoln High School, Manitowoc, did go all the way in the tournament of the Wisconsin Interscholastic Athletic Association and won the state prep championship in Saturday's game against Beloit at Madison.

Coaches and players of both teams have exemplified good sportsmanship throughout the season as well as proving their superiority on the court.

The Manitowoc record may appear better statistically since Coach Ed Fleener's Shipbuilders were unbeaten in 26 consecutive games, including a 16–0 record in the Fox River Valley Conference.

Coach Bob White's Titans won the Wisconsin State University Conference championship with only three losses in league play and went on to earn the right to compete in last week's NAIA which was won by Central State of Wilberforce, Ohio, when it edged Fairmont, W. Va., State, the team that barely defeated Oshkosh in the semi-finals. Oshkosh's 102 to 68 victory for third place was a great comeback and somewhat of a revenge.

This year's Titans included some former Manitowoc High players who were stalwarts of the team along with Oshkosh products and cagers of other cities as well. The new "crop" of prep cagers will be welcomed at WSU-Oshkosh for future years—the champions and the also-rans. Winning is, of course, an object of the competition, but "how you play the game" is of even greater significance.

In the future there will be new players, new teams, new striving for championships, but in the final analysis the greatest victory will be that which participation affords, the challenges it offers, and the opportunities to match skills, determination and courage with others while improving one's own to the best degree possible.

NEARLY 2,000 HONOR TITANS AT PEP RALLY

Oshkosh State University's Titan basketball team returned to the scene of many triumphs—Albee Hall—on Monday afternoon, as approximately 2,000 Oshkosh State students welcomed the team back home at a pep rally after a highly-successful trip to the National Association of Intercollegiate Athletics tournament at Kansas City, Mo., last week.

A heavy underdog in this years' NAIA 32-team national event, Oshkosh confounded the experts by bouncing number-one seeded Guilford College of Greensboro, N.C., 80–78, last Tuesday in the tourney's opening-round. The Titans eventually advanced to third place in the meet.

Following the opening victory, Oshkosh went on to displace Eastern Montana, 82–75, and Drury, (Mo.), 57–55, before falling on Friday night before eventual tourney runnerup Fairmont (W. Va.), 76–74, in the last five seconds of play.

Saturday night's 102–68 belting of Westminster (Pa.), established Coach Bob White's Titans as the third-best team in the 31-year-old tournament.

White admitted Monday that he thought it would be "a quick tournament for the Titans" because of the drawing of top-seeded Guilford.

"But the kids were real confident that they could beat them and make up for last year," he said. The last year that White referred to was an 82–64 opening-round defeat at the hands of Westminster.

Oshkosh had made three previous trips to the NAIA before this year, but had never won a national game. But the Titans made up for the past, gaining the highest team finish for a team from Wisconsin since 1949, when Beloit College also took a third place.

At the 1:30 p.m. rally, OSU Athletic Director Eric Kitzman accepted the Wisconsin State University Conference championship trophy (the Titans' second in a row), in addition to two NAIA team trophies—the third-place trophy and team sportsmanship trophy.

During the course of the one-hour rally, the personable White—smiling throughout—introduced each of his players and had special words to say about the seniors on his team.

The Titans had arrived back in Oshkosh Sunday afternoon at Winnebago County Airport to the cheers of some 1,500 fans.

TITANS WERE A RECORDBREAKING TEAM

(By Herb Willis)

Records are made to be broken and that is just what happened during the season just concluded by the Wisconsin State University-Oshkosh Titans.

Oshkosh rolled to its second straight Wisconsin State University Conference championship and picked up the National Association of Intercollegiate Athletics District 14 title before traveling to Kansas City and coming home with third place in the NAIA's tournament.

Those were only a few of the team accomplishments. The Titans had broken the victory marks for one season after the first triumph over Lakeland and there have been five more since. Oshkosh finished the season with a 23–6 record. Last season's 17–6 mark was the previous high.

Coach Bob White's Titans set a new single season mark for total points scored, 2,620, an average of 90.4 per game. The Eric Kitzman-coached Titans of 1959–60 had set the old standard of 2,019, or 87.7 for 23 games.

White's edition of 1967–68 also set a new team rebound mark of 1,399. The old record was 1,339 set by the 64–65 Titans.

An important mark for the Titans was set at the NAIA tournament as the Titans rolled up a 4–1 record. The best previous mark for a conference team was two victories by Superior. The only Wisconsin team with more victories at the national tournament is Beloit of the Midwest Conference. Beloit has a 10–4 record over four tournaments and once Beloit took home the third place trophy.

Oshkosh now has a 4–4 record in the KC tournament and has played more games than any other conference school. Eau Claire has a 1–6 record, and has appeared in one more tournament, five.

Ron Hayek wrote his name into the record book three times. Hayek, in the final game at Kansas City, became the top scorer in one season. By scoring 29 points against Westminster, Hayek totaled 630 points for the season. The old mark was set by Ron Dibelius in the 1959–60 season of 612 points.

Only three Titans have scored more than 500 points. Austin scored 540 points in 1962–63 and Dibelius and Hayek are the only players to have scored more than 600 points in Titan annals for one season.

Hayek also broke the individual field goal mark for one season. He connected for 268 field goals to break the record set by Dibelius, 212. With Hayek leading the charge, the team field goal record was upped to 1,056 from 741 last season.

The terrific Titan duo of Hayek and Lallensack edged into the all-time career records by joining the 1,000-point club. Hayek is third with 1,222 and Lallensack is fourth with 1,176. Dean Austin still leads the all-time list with 1,398 points.

Previous records have indicated Austin's record at 1,420, but The Paper's investigation into Titan records discovered "Deano's" total is 1,398 against collegiate competition. Austin added 22 points against the amateur Allen-Bradley team of Milwaukee. Only collegiate totals are considered for the record book.

Doug Carriveau scored 1,108 points in his four-year Titan career in the early 1960's and Doug Ritchey was the first Titan to reach 1,000 points in the late 1940's with 1,029.

Lallensack rewrote the rebound record for a single season and, most likely, for a career, but rebound records are incomplete for Austin's first year at Oshkosh. Lallensack's single season total is now 421. Austin held the old mark of 357 retrieves, set in the '62–63 season.

White's Titans also set a one-game scoring mark that may never be broken. Oshkosh whipped Whitewater at Whitewater, 133–100. The game seemed to wear on and on and, when the official timepiece was checked with stopwatches the night of the game, the official clock was slow. But later, officials ohecked the clock and were satisfied that it was not slow and the Titan record stood, a new conference mark for one team and for two teams, 233.

Oshkosh chalked up nine straight victories at home this year, then wore home white uniforms for the second and third victories at Kansas City before losing Friday night. Oshkosh has new black and gold traveling uniforms that were used for the first time

against St. Norbert. The Titans won that one and then beat Lakeland in the first game of the district playoffs and upset number one-seeded Guilford in the NAIA meet to close unbeaten in the new blacks.

Albee Hall records suffered changes this season as the Titans streaked by Lakeland in the double overtime, 124–113 in the second playoff game. The 124 points scored is the highest for any team at Albee and the 113 points for the Muskies is the highest number of points ever scored against the Titans at home or away.

The 237 points scored by the Titans and Lakeland set two team game totals for Oshkosh, at home and away.

In all, it was a great assault on the record book by a team that will long be remembered.

For three of the Oshkosh players it means the end of careers. Ron Hayek, John Lallensack and Tom Witasek have played their final game for the Titans. The past three years have been greater because of them. Many teams in the past have had one or two great players, but this year, with Witasek adding 433 to Hayek's record setting 630 and Lallensack's 444, this team had three. Each of the three spent three or fewer seasons with the Titans. Lallensack played three complete seasons, Hayek and Witasek 2½.

Even with the departure of the three, opposing coaches and some at the NAIA tournament didn't feel very sorry for Coach White. The three seniors are great players, but the consensus of opinion is that there are the makings of other greats on the Titan squad.

Mike Malone won the "hustle" award at Kansas City and played fine ball and now that the stars have departed there is room at the top for new blood and Malone could develop into an excellent scorer. He scored 259 points this year.

Bill Schwartz has come along in the late stages this season to be what White termed, "The most improved player on the team."

Bruce Miller should find a spot for himself next season. This season he scored 234 points playing in relief of Schwartz. Dale Race at 6–8 has had some fine games this season and White commented at the pep rally Monday that, "He shut off one of the tournament's (NAIA) top scorers. He has come on strong this year and will be given a shot at the open guard position next year."

Newsmen, after watching Schwartz play in the NAIA, couldn't believe he had scored only 316 points. The general comment was, "He should be a great one next season."

Rick Rehm and Gary Van Cuyk have seen limited action, but in his limited action, Rehm scored 106 points. Van Cuyk is a southpaw and is counted on next year along with Rehm to make the Titan attack formidable again. White said at the rally that "Van Cuyk could become an outstanding corner man for us."

Ken Ver Gowe, a 6-5 freshman from Cedar Grove nicknamed "Cedar" by assistant coach Russ Tiedemann, was brought along slowly, but as the Titans swung into their last western swing around the conference Ver Gowe was ready and from that time on played a great relief role for the Titans. The quiet, but unassuming "Cedar" played well in appearances in Kansas City and White said Monday, "He probably would have been a starter on any other team and we hope he'll make another trip or two to Kansas City."

There are many stories that remain to be written about this year's Titan team, but this story about the records it set probably best relates why and how it accomplished what it did.

Athletic Director Eric Kitzman, former Titan coach and a coach who took Menasha to the Wisconsin high school state championship commented, "It's the greatest team I've seen. They came through more often in the clutch that most."

Kitzman should know, he took his '59–'60 team to the NAIA meet in Kansas City.

For most, WSU–O President Roger E. Gulles expressed the feeling for the team best when he said Monday at the pep rally, "We were more proud of you (White) and your team than we could ever say, but after all, we can say that we know you all personally."

SENATE—*Thursday, April 4, 1968*

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O merciful God, whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us, who seek Thy face, the benediction which a sense of Thy presence lends to each new day. Unite our hearts and minds to bear the burdens that are laid upon us.

In these days of tension and crisis, as we gird the might of the Nation, and that of our allies, to defend threatened liberties, may we take care to strengthen the spiritual foundations of our democracy. Open our eyes to see a glory in our common life with all its sordid failures, and in the aspirations of men for better things and for a fairer world—which, at last, must burn away every barrier to human brotherhood as Thy kingdom comes and Thy will is done in all the earth.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 3, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry and the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POST OFFICE DEPARTMENT

The bill clerk read the nomination of John H. Johnson, of Illinois, to be a member of the Advisory Board for the Post Office Department.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

POSTMASTERS

The bill clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. CANNON, from the Committee on Armed Services:

J. William Doolittle, of Illinois, to be an Assistant Secretary of the Air Force.

By Mr. STENNIS, from the Committee on Armed Services:

William K. Brehm, of Michigan, to be an Assistant Secretary of the Army.

By Mr. PEARSON, from the Committee on Armed Services:

Randolph S. Driver, of Pennsylvania, to be an Assistant Secretary of the Navy.

By Mr. BYRD of Virginia, from the Committee on Armed Services:

Barry James Shillito, of Ohio, to be an Assistant Secretary of the Navy.

Mrs. SMITH. Mr. President, from the Committee on Armed Services, I report favorably the nominations of five general officers of the Army to be placed on the retired list, and two Army National Guard officers for promotion as Reserve commissioned officers in the grade of major general.

I ask that these names be placed on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Brig. Gen. Joseph Mark Ambrose, and Brig. Gen. LaVern Erick Weber, Army National Guard of the U.S. officers, for promotion as Reserve commissioned officers of the Army;

Gen. Dwight Edward Beach, Army of the United States (major general, U.S. Army) to be placed on the retired list, in the grade of general; and

Lt. Gens. William White Dick, Jr., Army